United Nations CRPD/C/SR.367

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Nineteenth session

Summary record of the 367th meeting*
Held at the Palais des Nations, Geneva, on Monday, 19 February 2018 at 3 p.m.

Chair: Ms. Degener

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Initial report of Nepal

* No summary record was issued for the 366th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Nepal (CRPD/C/NPL/1; CRPD/C/NPL/Q/1 and CRPD/C/NPL/Q/Add.1)

1. *At the invitation of the Chair, the delegation of Nepal took places at the Committee table.*

2. **Mr. Upadhaya** (Nepal), introducing his country's initial report (CRPD/C/NPL/1), said that the Government had prepared the report in consultation with national human rights institutions and relevant civil society organizations.

3. The adoption of a democratic and inclusive Constitution in September 2015 had marked the conclusion of the peace process launched in 2006. The Constitution enshrined an array of civil, political, economic, social and cultural rights and guaranteed inclusive democracy, pluralism, the rule of law, an independent judiciary, representative and accountable governance, and social and economic justice. Inclusion, non-discrimination and social justice were the fundamental tenets of the Constitution, which provided for inclusive representation of marginalized and disadvantaged communities in all State organs and promoted affirmative action to that end. It provided opportunities for the participation of persons with disabilities at the local and provincial levels and in the Federal Parliament, particularly the Upper House.

4. The Constitution transformed Nepal into a federal State in order to uphold inclusive and participatory decision-making at the federal, provincial and local levels and ensure proportional representation of all sections of society in all three tiers of the Government. A series of elections at the local level and to provincial assemblies and the Federal Parliament had been held in five phases. They had institutionalized several transformative initiatives aimed at the empowerment and participation of women, indigenous people, persons with disabilities and minorities. As a result of the affirmative actions launched since 2007, there were now 626 persons with disabilities in various civil service positions. There were four persons with disabilities in the Federal Parliament and 22 in various leadership positions at the local level.

5. The Constitution guaranteed the right to live in dignity and strictly prohibited discrimination based on disability. It guaranteed free access to education, including higher education, for persons with disabilities. Visually impaired citizens were legally entitled to Braille education, while citizens with hearing and speech impairments were entitled to education in sign language. The State provided special protection and facilities for children with disabilities. Persons with disabilities who were unable to take care of themselves were legally entitled to social security.

6. The Disability Rights Act, 2017, which had replaced the Disabled Persons Protection and Welfare Act, 1982, adopted a rights-based rather than a welfare-based approach. It had broadened the definition of persons with disabilities to reflect the Convention, recognized diversity, eliminated derogatory narratives and criminalized the use of such narratives. The Act also provided for a national mechanism to coordinate, monitor and promote the effective implementation of the rights of persons with disabilities at all levels of government. Disability rights regulations were at an advanced stage of formulation, and the Government was revising the National Policy and Plan of Action on Disability in line with the Disability Rights Act, the Sustainable Development Goals and the Incheon Strategy.

7. The National Criminal Code, 2017, prescribed a heavy penalty for discrimination based on disability. The Code of Criminal Procedure and the Code of Civil Procedure accorded top priority to cases involving persons with disabilities as parties to court hearings. In addition, the Code of Criminal Procedure stipulated that no person with disability should be remanded in custody if she or he was implicated in an offence punishable by up to 10 years' imprisonment.

8. Local authorities were responsible under the Local Government Act, 2017, for the distribution of identity cards, social security, compilation and maintenance of data,

provision of services, and the operation and management of rehabilitation centres for persons with disabilities.

9. Current action on behalf of persons with disabilities included: the implementation of a Community-Based Rehabilitation Programme; promotion of awareness-raising programmes throughout the country in partnership with organizations of persons with disabilities; support for the production and distribution of assistive devices; support for the effective operation of care homes; provision of grants to organizations of persons with disabilities; distribution of identity cards and social security allowances; tax exemption for assistive devices, vehicles and wheelchairs, including electronic wheelchairs; capacity-building for persons with disabilities, their organizations and law enforcement agencies; establishment of a help desk at the Ministry of Women, Children and Social Welfare and in each district office for women and children; digitization of records of persons with disability with identity cards; and implementation of the National Building Code for improved accessibility.

10. With regard to access to education, 380 resource centres, 32 special schools and 22 integrated schools had been operating throughout the country. A total of 76,470 students with disabilities were enrolled at the elementary and secondary level. In addition, free health-care services were provided to persons with disabilities in public hospitals. Affirmative action was being taken to promote public-sector employment opportunities. Disability-friendly physical infrastructures were being developed and disability-friendly public transport vehicles were being introduced.

11. The topography of Nepal presented daunting challenges to accessibility. Other challenges included the high risk of natural disasters, the paucity of financial, technical and other resources, difficulties in mainstreaming disability issues in federal structures, and capacity constraints impeding the introduction of new technology.

12. The newly introduced federal system of governance would facilitate more decentralized implementation of the Convention, and the new Constitution would facilitate the institutionalization of a rights-based approach. The 2030 Agenda for Sustainable Development was fully reflected in national development plans and policies.

13. Nepal reaffirmed its commitment to tackle inequality and discrimination by collecting disaggregated data, to improve its knowledge of the impact of multiple forms of discrimination on the rights of different groups of persons with disabilities, and to devise appropriate responses through laws, policies and programmes. Collaboration and partnership with development partners and civil society would be further strengthened to that end.

14. Nepal was confident that its efforts to uphold the provisions enshrined in the Convention would be greatly assisted by the Committee's deep insight and expertise.

15. **Ms. Ansari** (National Human Rights Commission of Nepal) said that the Government of Nepal was taking progressive action to protect and promote the rights of persons with disabilities. However, there were still many areas in which improvements were required.

16. The Constitution guaranteed the rights of person with disabilities, and the Disability Rights Act, which had been reviewed by the National Human Rights Commission, was compatible with the Convention. They both guaranteed the right to life, equality, non-discrimination and equal protection before the law, the rights of women, children and older persons, freedom of movement, and the right to free education, free medical facilities, freedom of opinion and expression, freedom from torture and personal integrity, social security, employment opportunities and access to justice.

17. However, very few persons with disabilities were aware of their rights and the facilities provided by the Government. Stereotypes were still deeply rooted in society and led to discriminatory practices against persons with disabilities. Governmental authorities also perceived them in some cases as neither rights holders nor stakeholders in society. As a result, many public services were still inaccessible and very few persons with disabilities had been elected in the recent federal elections.

18. Access to justice was impeded by the absence of interpreters in courts. Medicines that were essential for the treatment of persons with disabilities were frequently unavailable, even in public hospitals. Persons with disabilities belonging to the more vulnerable sections of society, such as Dalits and poor and marginalized groups, faced multiple human rights violations.

19. The National Human Rights Commission of Nepal reiterated its recommendation to the Government to adopt laws and policies that were in compliance with the Convention. The Government should conduct effective awareness-raising campaigns to protect persons with disabilities from various types of discrimination, violence, abuse and injustice. A rights-based approach should be adopted in infrastructure development and urbanization procedures, and top priority should be given to endorsement of the rule of law.

20. Collaboration among government agencies, national institutions, NGOs, community-based organizations and development partners could play a pivotal role in raising awareness and building skills in the area of disability.

21. **Mr. Kim** Hyung Shik (Country Rapporteur) said that he wished to acknowledge the State party's consultations with a range of stakeholders, including the Office of the Prime Minister and representatives of the national human rights institutions of Nepal, in preparing the report. It was regrettable, however, that organizations of persons with disabilities had not been involved in the process. He welcomed the legal reforms, policy and programme developments, and the involvement of cross-cutting ministries in the process of implementing the Convention. The main purpose of the current dialogue was to monitor how comprehensive legislative reforms were harmonized across relevant government ministries and backed by monitoring mechanisms.

22. He asked whether the State party had adopted a national action plan to implement the Disability Rights Act of 2017, and whether the definition of disability in the Act was consistent with the Convention. He also enquired about the data used by the State party in developing its national disability policies.

23. Despite the State party's declared intention to adopt a rights-based definition of disability, the classifications for the disability card appeared to fall short of such a definition.

24. As the Disability Rights Act, 2017, had not been translated into English and was not available outside Nepal, the Committee would like to be informed of some of the major changes it incorporated.

25. As some of the issues that would be raised during the dialogue with the State party were of critical importance, the Committee would appreciate receiving written replies or supplementary comments in response to questions that the delegation was unable to address comprehensively during the dialogue.

Articles 1–10

26. **Mr. Martin** asked whether disability rights training courses had been provided for politicians, public officials, teachers and lawyers, and, if not, whether there were plans to introduce such courses. He also wished to know whether persons with intellectual disabilities participated in organizations of persons with disabilities and, if not, whether action would be taken to ensure that their voices were heard.

27. **Mr. Tatić** said that he would welcome an update on the enforcement of the judicial decisions mentioned in paragraph 10 of the State party's replies to the list of issues (CRPD/C/NPL/Q/1/Add.1). He asked whether any court cases had been brought under the new legislation for disability-based discrimination, and whether multiple discrimination was considered an aggravated form of discrimination in the State party's legislation and jurisprudence. He would be grateful for information on measures taken, and funds allocated, to ensure access to support and protection services and social and health care for children with disabilities living in remote areas. The delegation might comment on any plans to make training on accessibility and universal design a mandatory part of the university curriculum and State exams for architects, urban planners and other professionals in that area, and whether the Committee's general comment No. 2 on accessibility had been

translated into Nepali. He would appreciate information on accessibility for wheelchair users visiting the country, including support services at airports and the accessibility of public transport, hotels and government buildings.

28. **Mr. Alsaif** said that he would like to know about legal remedies, redress and compensation available to persons with disabilities who had been the victims of disability-based discrimination. He would welcome confirmation of whether reasonable accommodation was provided to persons with disabilities in all areas of life. He would appreciate information on the number of children with disabilities with access to early intervention services, and how those services distinguished between diseases and impairments.

29. **Mr. You** Liang said that he would like to know to what extent organizations of persons with disabilities had been consulted on the final version of the State party's report. He would be interested to hear about concrete measures to ensure the right to marriage and reproductive services for women with disabilities, especially those with intellectual and psychosocial disabilities, and how women with disabilities were empowered to ensure their economic independence. He wished to know whether the State party provided sufficient resources for children with disabilities to have access to early intervention rehabilitation services and education facilities. The delegation might comment on how the Convention had been publicized at national and local levels, and whether the general public, including in rural areas, was aware of the human rights of persons with disabilities.

30. **Mr. Lovászy**, referring to paragraph 28 of the State party's replies to the list of issues, said that he would be interested to hear about concrete results and achievements based on goals set under the periodic plan covering the years 2014 to 2017.

31. **Mr. Chaker** asked whether public buildings, including schools, hospitals and administrative buildings, were fully accessible to persons with all kinds of disabilities, even in remote parts of the country. Were accessibility and universal design part of the training provided to architects, engineers and designers?

32. **Mr. Langvad** said that he would like to know how and when the State party would accelerate the process of developing a strategic plan of action, with sufficient financial resources, aimed at abolishing laws, regulations, customs and practices that constituted discrimination against persons with disabilities, and how organizations of persons with disabilities would be involved in that process. He would be grateful for specific information on the meaningful involvement of indigenous persons with disabilities in the process of adopting national policies and legislation and in relation to international frameworks such as the Sustainable Development Goals and the Sendai Framework for Disaster Risk Reduction. He would also appreciate up-to-date information on support services, awareness-raising and budget allocation in the areas of education, health, rehabilitation, independent living, employment and social protection for indigenous persons with disabilities. The delegation might comment on efforts to move away from the degrading stereotypes of persons with disabilities in the caste system and create awareness of them as full rights holders.

33. **Mr. Basharu** asked what steps were being taken to bring Nepal's definition of disability, which employed a number of derogatory terms and was based on the medical model of disability, into line with the Convention. He would also be grateful for information on efforts to combat discrimination and violence against women and girls with disabilities, including the intersectional disability faced by indigenous women with disabilities, and how they were involved in decision-making processes that affected them. He asked how persons with disabilities and their representative organizations were involved in the State party's awareness-raising campaigns and to what extent the media were engaged in portraying a positive image of persons with disabilities in society.

34. **Mr. Babu** said that the delegation should comment on how the human rights of indigenous women with disabilities were guaranteed, citing specific laws and policies. He would also be interested to hear about any major public awareness-raising campaigns on the rights of persons with disabilities, including their outcomes.

35. **Mr. Ruskus** said that he would welcome information on measures planned to ensure that all persons with disabilities, including those from indigenous communities and with intellectual and psychosocial disabilities, received disability identity cards. He would like to hear about policies and measures to ensure the right of all children with disabilities to receive support in inclusive settings, including early intervention and inclusive education.

36. **Mr. Buntan** said that he wished to know to what extent the Government had systematized the active involvement, with the necessary financial and technical support, of organizations of persons with disabilities in decision-making processes, including the formulation, implementation and monitoring of policies and legislation. He would appreciate confirmation of whether the failure to provide reasonable accommodation was considered a form of disability-based discrimination under the newly enacted Disability Rights Act. If so, had any complaints been brought before the courts? He asked what measures were taken to tackle the problem of abandonment of children with disabilities. He would be grateful for information on any efforts to enforce accessibility standards and introduce sanctions for those who failed to comply with them.

37. **Mr. Ishikawa** said that he would appreciate information on specific measures for the empowerment of women with disabilities and the elimination of gender-based violence against them. He wondered whether professionals who worked with women with disabilities who had been the victims of gender-based violence received training in accordance with the Convention's human rights model. He would welcome information on what was being done to protect and promote the human rights of indigenous persons with disabilities.

38. **Mr. Parra Dussan** said that he would be interested to know whether the State party's definition of disability, which had numerous shortcomings, had been amended in 2017 and whether there were any plans for further amendment following the current dialogue with the Committee.

39. **Mr. Kabue** said that the delegation might comment on whether the system of categorizing disabilities had been reviewed to ensure that it did not give rise to discrimination and was not open to abuse. He wished to know whether any specific measures were in place to address the needs of indigenous persons with disabilities when monitoring the work of the National Inclusion Commission, the Indigenous Nationalities Commission and the Madhesi Commission, inter alia. He would welcome information on how well organizations of persons with disabilities were able to effectively participate in decision-making processes and monitoring of government activities. He would also like to know more about the involvement of persons with disabilities in the preparation and monitoring of the accessibility strategy.

40. **Mr. Pyaneandee** asked whether there was a mechanism in place for the registration of organizations of persons with disabilities and, if so, on what criteria it was based. He would be interested to hear about plans to engage such organizations in the implementation of the new legislation on disability rights. He would be grateful for information on the number and type of complaints received in the past two years in relation to the violation of the rights of persons with disabilities. He would also appreciate information on any specific policies in place to combat the particular discrimination faced by indigenous women and girls with disabilities and make them more visible in society.

The meeting was suspended at 4.10 p.m. and resumed at 4.45 p.m.

41. **Mr. Upadhaya** (Nepal) said that civil society organizations had participated in both the preparation of the State party report and the drafting of the newly enacted Disability Rights Act. In line with the Constitution, the Act provided for the right of every person to live in dignity, the protection, empowerment and development of persons with disabilities, and the strict prohibition of discrimination on the ground of disability. The Government had mobilized significant resources to support the implementation of measures aimed at persons with disabilities, as had the country's development partners. Work was currently under way on the formulation of the relevant regulations, with efforts being made to ensure coordination and harmonization.

42. **Mr. Ghimire** (Nepal) said that national legislation expressly prohibited all forms of discrimination based on disability and victims of discrimination had access to a number of different legal remedies. They could opt for mediation or alternative dispute resolution, or they could submit their cases to the courts or their local district officer, who had a quasi-judicial function. Persons found guilty by the courts of acts of discrimination against persons with disabilities were subject to a fine and/or imprisonment, depending on the severity of the offence, and their victims were eligible for compensation. Denial of reasonable accommodation had been included as a form of discrimination under the 2017 Disability Rights Act, which had recently entered into force on 15 January 2018. No cases involving that type of discrimination had yet been recorded, however.

43. The federal, provincial and local levels of government played their part in upholding the rights of persons with disabilities and implementing the provisions of the Convention. The local authorities, however, assumed the lead role of making reasonable accommodation available at the grass-roots level so that persons with disabilities could actively participate in community and family life. The courts had also been very proactive in safeguarding the rights of persons with disabilities and had issued several orders directing the Government to make monthly allowances and free education available to persons with disabilities.

44. In regard to eliminating the negative stereotypes surrounding disability, significant efforts had been made to raise the general public's awareness of the Convention and promote the rights of persons with disabilities. The Convention had been translated into the Nepali language and disseminated widely in the national media. The national education system and school curriculum had also been strengthened to incorporate a human rights approach and teach the importance of protecting the rights of persons with disabilities. Similarly, training courses on the provisions of the Convention had been held for judges, magistrates, lawyers and other relevant stakeholders in the judicial system to strengthen the access of persons with disabilities to justice.

45. The Government remained committed to taking a cross-cutting approach to disability issues and had fostered close partnerships with civil society and relevant development partners. It had made concerted efforts to consult with organizations of persons with disabilities on the implementation of the Convention as well as the drafting of the 2017 Disability Rights Act.

46. **Mr. Dhital** (Nepal) said that, with the steady rise in the number of organizations of persons with disabilities in recent years, persons with disabilities had been enabled to make their voices heard at the national level, and the Government took their needs into account despite facing resource constraints. It had worked closely with relevant stakeholders to improve the accessibility of the physical environment and had sought to increase access to assistive technology by strengthening partnerships with the private sector. Similarly, efforts had been made to provide direct support to persons with disabilities and their families in order to facilitate their inclusion and active participation in all areas of society, including in mainstream education and the employment sector. Affirmative measures had also been taken to increase the number of persons with disabilities in political life, which had resulted in the election of four persons with disabilities to the Federal Parliament. Some 22 persons with disabilities had also recently taken up positions on local councils.

47. In response to questions regarding access to justice, he confirmed that all forms of violence against persons with disabilities, including sexual abuse, had been defined as serious criminal offences and were subject to severe punishment. He also stressed that the Government had introduced the colour-coded disability identity card scheme for persons with disabilities as a means of ensuring that each person received the right level of support according to their needs, not as a form of discrimination. All forms of discrimination based on disability had been prohibited under the 2017 Disability Rights Act.

48. **Mr. Paudyal** (Nepal), drawing the Committee's attention to paragraphs 26 to 31 of the replies to the list of issues, said that the accessibility guidelines adopted by the Ministry of Women, Children and Social Welfare in 2013 were an instrument of law and, as such, were binding. They had been developed in cooperation with the National Federation of Persons with Disabilities and a number of organizations of persons with disabilities, which were also involved in their implementation and monitoring. The guidelines set minimum

accessibility standards for services and buildings and provided for the principle of reasonable accommodation.

49. **Ms. Aryal** (Nepal), recalling that Nepal had adopted a zero-tolerance policy regarding gender-based violence, said that all forms of violence, including physical, psychological and sexual violence, were prohibited under the Constitution and were punishable by law, which also provided for compensation for victims. Service and rehabilitation centres had been established to provide support to victims of gender-based violence, including persons with disabilities, and dedicated police units consisting of women officers had been set up to handle cases involving women and children. Furthermore, the Gender-Based Violence Alleviation Fund and Emergency Child Rescue Fund were used to provide a range of services for survivors. The Constitution protected women's right to sexual and reproductive health, and considerable progress had been made in that connection. The State provided an allowance for children with profound and severe disabilities ranging from 600 to 2,600 Nepalese rupees per month, while the Ministry of Women, Children and Social Welfare provided caretaker training for family members, as well as skills training in order to enhance prospects for income-generating activities.

50. **Mr. Gautam** (Nepal) said that the chief aim of the Disability Rights Act was to ensure substantive equality; the Act's definition of a person with disabilities and its underpinning principles were in line with the Convention. The Act took into consideration cross-cutting aspects, such as non-discrimination and the right to community life, and made all levels of government, families, public institutions, including schools, and medical professionals accountable for the treatment of persons with disabilities. In addition, the Act provided for administrative and judicial remedies; relevant training was provided to members of the judiciary. From August 2018 onwards, the civil courts would have the power to enforce the duty of families to provide appropriate care for members with disabilities.

51. The fact that a victim had disabilities was an aggravating circumstance in relation to criminal offences, and discrimination on grounds of disability carried a penalty of up to 3 years in prison and a fine of 30,000 rupees. The Code of Civil Procedure provided for special arrangements, including to enable physical access to the court, when either party to proceedings had a disability. Under criminal law, priority was given to proceedings involving persons with disabilities, who could not be remanded into custody if the offence of which they stood accused carried a penalty of less than 10 years' imprisonment. All courts had at least one legal aid lawyer, and provisions on legal aid were scheduled to be updated.

Articles 11–20

52. **Mr. Rukhledev** asked whether the State party's laws on disaster risk reduction and impact mitigation included plans to inform persons with disabilities of how to ensure their personal safety during disasters and, if so, what those plans were and how they were implemented. He wished to know whether sign language interpretation was provided in courts and detention facilities and, if so, how the interpreters' qualifications were assessed and who covered the cost of the service.

53. **Mr. Chaker** asked whether the professionals concerned received regular training in how to improve the safety of persons with disabilities in all situations of risk or emergency. He urged the State party to cooperate with organizations of persons with disabilities in that regard.

54. **Mr. Langvad**, referring to paragraph 109 of the report, asked what the term "reasonable classification" meant with regard to the legal capacity of persons with disabilities. He wished to know whether the Disability Rights Act was in line with article 12 of the Convention, specifically whether it provided for supported decision-making schemes. It would be useful to know what the impact of the Three-Year Interim Plan 2008–2010 and the Thirteenth Plan 2013–2016 had been on the effective inclusion of persons with disabilities in the community at the local, regional and national levels.

55. **Mr. Lovászy** said that he would appreciate more detailed information on the Government's commitment to facilitate supported decision-making, including any legal

measures, plans or publicly stated goals in that regard. It would be interesting to know whether legal aid was provided to persons with disabilities at all stages of proceedings, including for police procedures. With regard to sign language interpretation, it would be helpful to know how the courts understood the word "necessary" and whether the service was free. He would appreciate the delegation's comments on the extent to which organizations of persons with disabilities had been involved in the drafting of the new mental health law. Lastly, what kind of specific support had been introduced for the families of children with disabilities and what community-based services had been made available since the submission of the initial report?

56. **Mr. Alsaif** asked what steps had been taken to provide support in the community, including personal assistance, so that persons with disabilities could live where they wished.

57. **Mr. Martin**, drawing the State party's attention to article 12 of the Convention and the Committee's general comment No. 1, asked what the time frame was for the introduction of supported decision-making and whether persons with disabilities, their families and service providers would receive training on that subject. He also asked whether persons with disabilities were subjected to sterilization or any other medical procedures without their consent and, if so, what steps were being taken to prevent such occurrences.

58. **Mr. You** Liang, pointing out that the delegation did not include a single person with disabilities, said that the State party should pay more attention to the composition of its delegations in future. He would like to know what the legal capacity of persons with intellectual or psychosocial disabilities was. It would be helpful to know what measures had been and would be taken to ensure that medical professionals did not administer experimental treatments to or perform forced surgery on persons with autism, who generally had difficulty freely expressing their views. In the light of reports by civil society organizations that the budget for rehabilitation services was very limited, he would appreciate information on the availability and affordability of rehabilitation services and assistive devices.

59. **Mr. Ruskus** said that, notwithstanding the State party's claims to the contrary, the Committee had received information that some persons with intellectual and psychosocial disabilities were detained in their homes or forcibly placed in psychiatric institutions, that some were chained, tortured or given overdoses in such institutions and that various medical treatments were administered without the consent of the person concerned. Therefore, he would appreciate a reply to question 16 of the list of issues on the measures taken to ensure that no person was institutionalized or deprived of liberty on the basis of impairment, especially in the light of the mental health law currently being drafted. He would also appreciate information on the steps taken to harmonize all policies and measures regarding persons with psychosocial and other disabilities with the provisions of the Convention, particularly article 14.

60. **Mr. Buntan**, noting the country's diversity, asked to what extent persons with different types of disabilities from various ethnicities had been involved in the preparation of national reconstruction plans following the major earthquake suffered by Nepal and how the Government disseminated disaster risk reduction materials in accessible formats in all the languages spoken in the country, even those that did not have a written script. Noting that the Disability Rights Act did not address the participation of organizations of persons with disabilities because the Associations Registration Act already did, he wished to know how the Government intended to establish the legal basis for the participation of such organizations in decision-making and the formulation, implementation and monitoring of policy and legislation, since the Associations Registration Act merely provided for the legal existence of organizations without guaranteeing their participation in the formulation of law and policy.

61. **Mr. Basharu** asked what measures had been put in place to ensure the accessibility of courts, police stations and prisons and to provide legal information in special formats, such as Braille, sign language and Easy Read. He would appreciate information on any training provided to justice officials, police officers and prison staff in responding to the particular needs of persons with disabilities. Did teachers receive training in mobility skills

in relation to blind students? Were blind persons provided with canes and street crossings equipped with audible signals?

62. **The Chair** asked how many persons with disabilities, disaggregated by sex and ethnicity, had been able to end their legal guardianship arrangement or other form of substitute decision-making since the entry into force of the Convention and how many had been provided with support in order to live independent lives. She wished to know how many times hospitals had refrained from imposing treatment and had administered treatment based on a person's free consent. It would be interesting to know how many women with disabilities had been given information on sexual and reproductive health and rights and how many health-care professionals had received training in human rights and in how to detect, respond to and report violations. In reference to the reported gang rapes of women with disabilities, she would appreciate information on the number of alleged rapists who had been prosecuted and on the services provided to the women concerned.

The meeting rose at 6 p.m.

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Committee on the Rights of Persons with Disabilities
Nineteenth session

Summary record of the 368th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 20 February 2018, at 10 a.m.

Chair: Ms. Degener

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Nepal (*continued*)

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Nepal (continued) (CRPD/C/NPL/1, CRPD/C/NPL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Nepal took places at the Committee table.*

Articles 11–20 (continued)

2. **Mr. Upadhaya** (Nepal) said that Nepal had already taken steps to protect vulnerable groups, including persons with disabilities, during emergencies or natural disasters. Development programmes were being harmonized with a view to creating more inclusive and vigilant communities, while protection strategies aimed to provide access to medical and psychosocial services in a disability-inclusive manner. Those strategies, which included provision for focal points for persons with disabilities, had made it possible to identify the total number of such persons who had been affected by the 2015 earthquake and to provide them not just with basic needs such as shelter, food, health care and sanitation, but also with assistive devices such as wheelchairs, visual aids and hearing aids.

3. Persons with disabilities enjoyed full legal capacity in all aspects of their lives, on an equal footing with others. Training programmes had been conducted and booklets published in Braille to inform persons with disabilities how they could access justice and what facilities were available to them. Forced sterilization was illegal in Nepal and the Ministry of Health and Population was drafting a mental health bill that would outlaw involuntary medical treatment of any kind. The Government had worked with organizations of persons with disabilities to run counselling, treatment, rehabilitation and reintegration programmes for persons with psychosocial impairments. Furthermore, hospitals received regular budget allocations for the prevention and treatment of psychosocial disabilities at the grass-roots level, and mental health medication had been included in the list of essential drugs that were available at local health facilities.

4. The Government had allocated a total of 120 million rupees for its various disability-related programmes: 20 million for community-based rehabilitation, whereby persons with disabilities received assistance in their own communities rather than in institutions; 10 million for the distribution of assistive devices; 3 million to set up helpdesks; and 3 million for training.

5. **Mr. Ghimire** (Nepal) said that, under the 2017 Disability Rights Act, persons with disabilities were able to participate at all stages of the policy development process, from formulation, adoption and implementation to monitoring and evaluation. Having first registered under the Associations Registration Act, organizations of persons with disabilities could also participate in the process. The Disability Rights Act included provision for a federal-level steering committee and local-level coordination committees which, with local government, shared responsibility for ensuring that such participation was effective.

6. Persons with disabilities who had reached the age of majority — which, under the new Civil Code, was 18 — had full legal capacity under the law and the same legal rights and obligations as non-disabled persons. The right to equality precluded discrimination on any grounds, including that of disability; additionally, provision was made for certain special measures of positive discrimination intended to empower persons with disabilities and promote their development. That principle, which had been upheld by the Supreme Court, was based on "reasonable classification" according to which intelligible differentiae could be used to enhance equality through equity.

7. Access to justice was a multidimensional cross-cutting issue, which was particularly challenging for a country like Nepal. Nonetheless, efforts were being made to build capacity among both rights holders and duty bearers, to remove any and all barriers and to ensure that justice was available and affordable, also for persons with disabilities. In 2015, the Supreme Court had established the Access to Justice Commission, which worked to

facilitate recourse to law for vulnerable people, and a plan of action had been launched with a view to achieving Sustainable Development Goal 16. There was a mandatory requirement for new court buildings to be disability-friendly while existing ones were gradually being adapted.

8. The obligation to undergo a means test before accessing free legal aid was waived in the case of persons with disabilities who, under the 2017 Disability Rights Act, were automatically eligible for such aid. In addition, mobile legal aid clinics were held in collaboration with civil society groups. In order to deliver those services more effectively, the Government was developing an integrated legal aid policy in consultation with organizations of persons with disabilities. A survey conducted in 2015 had shown that 87.7 per cent of the population was unaware of the legal aid delivery mechanism. Measures had been devised to address that shortcoming, including human rights education and a series of training and orientation programmes for court officials.

9. In 2017, 329 judges and court officials had been sensitized to the rights of vulnerable groups, including persons with disabilities. In addition, the Ministry of Justice was conducting local-level human rights education programmes, in which persons with disabilities were also represented. In 2016, 93 local-level programmes had been held with the participation of 16,434 persons, including persons with disabilities. Awareness-raising programmes were being run with the support of community based organizations, organizations of persons with disabilities and the media, and there were plans to provide all 28,208 locally elected representatives with training on the rights of persons with disabilities.

10. Since 2015, the Supreme Court had enforced the provision contained in both the Code of Criminal Procedure and the Code of Civil Procedure whereby investigators and the courts could call on the services of interpreters — funded by the State — when taking a statement from an accused person or witness with a speech or hearing impediment. Reasonable accommodation in access to justice was also being promoted in other ways, such as disability-friendly enquiry desks within courts and the release on bail of persons with disabilities accused of offences that attracted less than 10 years' imprisonment. In addition, guardians could file a case on behalf of a person with a disability and judgments could be revised on the grounds of lack of representation of a person with a disability. Penalties for rape were more severe when the victim was a person with a disability.

11. Persons with mental impairments were treated in community hospitals or health centres where they received free medication and counselling as well as rehabilitation and family reunion services. Provisions contained in early legislation whereby persons with mental disabilities could be held in jail for treatment or protection had long ago been abolished by a ruling of the Supreme Court. The Government was undertaking a comprehensive review of legislation with a view to eliminating derogatory terminology or provisions and to bringing laws into line with the relevant human rights standards. In the same way, the mental health bill, which was currently in the process of being drafted, would take due account of concerns raised by the Committee and it would not be based on the medical model.

12. The 2017 Disability Rights Act promoted supported rather than substitute decision-making. Under both civil and criminal law, any document or deed regarding a person with a visual or speech impediment could be executed on that person's behalf by his or her guardian, only in the presence of the person concerned.

13. **Mr. Paudyal** (Nepal) said that persons with visual or speech impairments not only had to be present when a document or deed was being executed in their name, but they also had to give their express consent. Isolated cases of substitute decision-making might still exist but they were very few and decreasing, and the State was firmly committed to the model of supported decision-making. One recent initiative of the Supreme Court's Access to Justice Commission had been to make information about the rights enshrined in the Constitution, domestic law and the Convention, as well as information on procedures relative to accessing justice, available in Braille and to place it in the public domain.

14. **Ms. Aryal** (Nepal), responding to questions regarding the impact of the State party's three-year interim plans, said that the implementation of the consecutive eleventh, twelfth and thirteenth plans had led to a higher net rate of enrolment in primary school, an increase

in life expectancy and a reduction in absolute poverty. Major legal and institutional change had come about during that time, including the promulgation of the Disability Rights Act, which had replaced the previous welfare-based disability legislation. A community-based rehabilitation programme had been implemented across the country, helping to mobilize resources at the local level and increase access to health care, education, counselling, awareness-raising activities and rehabilitation services for persons with disabilities. Government research into the impact of the programme had found it to be successful in raising awareness of rehabilitation services among persons with disabilities and coordinating counselling among government agencies, civil society and organizations of persons with disabilities.

15. The Ministry of Education ran a number of special schools, resource classes, integrated schools and schools for persons with sensory, physical and intellectual impairments, and the Government had established an assessment centre to collect information on children with disabilities and to assess and respond to their educational needs.

16. Government grants were awarded to organizations of persons with disabilities to enable them to provide mobile services to persons with disabilities living in remote areas and to distribute assistive devices. The Ministry of Women, Children and Social Welfare had introduced a digital registration system through which persons with disabilities could register under the category to which they had been assigned by the Government for the distribution of social security allowances. Furthermore, the Government had introduced a quota on the recruitment of persons with disabilities into the civil service: 628 persons with disabilities had become civil servants since the system had been introduced in 2007/08.

17. Help desks had been established throughout the country to provide information on government services, which now included rehabilitation and the rescue and relief of persons at risk. Although the Government did not promote institutionalization through any of its policies or plans, some living arrangements had been made for participants in counselling, treatment or training relating to the management of daily life, particularly for persons with psychosocial disabilities and other vulnerable groups. However, participants were reintegrated into their families and the community once their counselling or treatment had come to an end.

18. **Mr. Gautam** (Nepal), responding to questions regarding legal capacity, said that in addition to the right to equality and non-discrimination established under the Nepalese Constitution, articles 6, 7 and 8 of the Disability Rights Act established that persons with disabilities had the right to participate in political, social, economic and cultural life on an equal footing with all other members of Nepalese society. All persons over the age of 18, the age of majority, acquired full legal capacity and could enter into any form of civil relationship. Only those unable to comprehend their legal responsibilities did not acquire full legal capacity. Before entering into a civil relationship, both parties were required to give their consent. Furthermore, medical treatment could only be undertaken with the consent of the patient, except when obtaining consent was impossible, for example if the patient had lost consciousness. Failure to acquire consent before performing medical treatment carried a sentence of 3 years' imprisonment, according to article 270 of the Civil Code.

19. Persons with disabilities had the right to security, the right to be rescued and the right to protection under article 10 of the Disability Rights Act. The Disaster Risk Reduction and Management Act required Government authorities to identify communities at high risk, to design programmes to mitigate risks for those communities and to set minimum standards of relief with special regard for vulnerable groups, including persons with disabilities. Furthermore, the National Reconstruction Authority worked to ensure that the specific needs of persons with disabilities during disaster events were taken into account during construction work on public infrastructure.

20. With regard to the question that had been asked about rape cases involving victims with disabilities, he said that perpetrators of the rape or gang rape of women with disabilities were liable to 10 additional years of imprisonment, on top of the sentence handed down for rape or gang rape without aggravating circumstances. Of the 48 cases of

rape reported in the last three months of 2017, three had involved victims with disabilities. Some of the accused had been arrested and remanded in custody. Those who remained at large were being actively sought by law enforcement officers.

Articles 21–33

21. Mr. Ishikawa said that he wished to know whether the State party had conducted surveys on the extra cost burden of ensuring a minimum standard of living for persons with disabilities, which should be taken into account when calculating social security allowances. With regard to article 29 of the Convention, he was interested to know whether it was possible for the blind to cast their votes using Braille. In reference to article 31, he said that he would welcome information on whether the State party had plans to conduct any national surveys disaggregated by age, sex, occupation, ethnicity, religion, urban law and disability or non-disability.

22. **Mr. Kim** Hyung Shik said that the delegation should refrain from using the abbreviation "PWD" when referring to persons with disabilities and endeavour to employ the terminology used in the Convention. In respect of article 31, he wondered whether the delegation was familiar with the Washington Group on Disability Statistics. Turning to article 32, he asked whether the delegation could provide examples of the ways in which disability-inclusive development had been made a core element of the State party's international cooperation policy. He would also appreciate examples of the ways in which the involvement of persons with disabilities in the planning, implementation and monitoring of disability-inclusive development was ensured and examples of projects that had had tangible benefits for persons with disabilities.

23. Regarding article 33, he asked whether the delegation could give details of the role played by the National Disability Coordination Committee in the implementation of the Convention. It would be interesting to know whether the Committee in question had government employees or members of organizations of persons with disabilities among its members; whether seats on the Committee were permanent or rotational; and whether expertise and experience were criteria for appointment to the Committee. He appreciated the role of the Ministry of Women, Children and Social Welfare in implementing the Convention, but wished to know how effective it had been in mainstreaming disability-related issues across the Government's other ministries.

24. **Mr. Langvad** said that, in paragraph 45 of the State party's replies to the list of issues (CRPD/C/NPL/Q/1/Add.1), it was mentioned that special and residential schools would be gradually transformed to serve as resource centres for inclusive mainstream schools under the School Sector Development Plan 2016–2023. He wondered whether the delegation could provide further information on that strategy, including information regarding the timetable for its implementation and any budgetary allocations. He wished to know whether current domestic legislation, including the 2017 Disability Rights Act, guaranteed the right to inclusive education as an enforceable right. He also wished to know whether the State party had adopted any initiatives to improve the quality of inclusive education in classrooms, and of support provision and teacher training across the education system, in accordance with the Committee's general comment No. 4 and Sustainable Development Goal 4.

25. With regard to article 25, he would appreciate information on whether the State party had taken steps to implement the Nepalese Supreme Court's directive on the need to widen the availability of specialized reproductive health services for persons with disabilities, and whether it had adopted any initiatives to ensure the equal enjoyment of reproductive rights by persons with spinal cord injuries.

26. Regarding article 33, he would welcome further information on how persons with disabilities, including women and children with disabilities, were consulted and actively and meaningfully involved through their representative organizations in the State party's efforts to implement the Convention and how funding was allocated in that regard.

27. **Mr. Rukhledev** said that he wished to know what status sign language held in Nepal and whether the Government ran any programmes to train sign language interpreters or related certification systems. It would be interesting to know to what extent information

and communication technologies were accessible to persons with sensory impairments in the State party. With regard to article 33, he would welcome information on whether the Government ran any programmes to support the involvement of persons with disabilities in sport, creative and cultural activities and tourism.

28. **Mr. Chaker** said that he wished to know whether all public information was accessible to persons with disabilities and available in sign language, Braille and other alternative formats and modes of communication.

29. **Mr. Lovászy** said that he welcomed the State party's consideration of a bill on mental health, but would appreciate more information on the consideration process, specifically regarding whether it was transparent and whether non-governmental organizations (NGOs) were involved in it. It would be interesting to be provided with concrete figures on the achievement of bachelor's and master's level degrees by persons with disabilities and to know whether the State party had any goals for further improvement in that area. He would also appreciate further information on the effectiveness of the Income Tax Act described in paragraph 51 of the State party's replies to the list of issues, complete with figures. Lastly, he wondered whether the delegation could provide any further information on how the State party had achieved such a notable increase in the number of persons with disabilities employed as civil servants.

30. **Mr. Buntan**, noting that the delegation had not yet provided statistics on the employment of persons with disabilities in the private sector, said that he would appreciate more information on the effectiveness of the quota system for employment as it applied to women with disabilities, persons with intellectual and psychosocial disabilities and indigenous persons with disabilities.

31. He wondered how the State party ensured the participation in political and public life of persons who had been deprived of their legal capacity and whether it had established a time frame for ratification and implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

32. **Mr. You** Liang asked what legislative and regulatory measures had been taken to protect the rights enshrined in the Convention and whether sanctions were imposed for non-compliance with the relevant laws and regulations; how disability issues had been incorporated into the national programme for the achievement of the Sustainable Development Goals; and what measures had been taken to implement the third Asian and Pacific Decade of Persons with Disabilities.

33. **Mr. Alsaif** asked what steps had been taken to ensure that facilities, equipment, information and communication in the field of health care were accessible to persons with disabilities and to guarantee free access to medicines and medical supplies for such persons.

34. **Mr. Martin** asked what was being done to improve health outcomes for persons with intellectual disabilities; what efforts were made to ensure that such persons were aware of their right to vote; and whether information on how to vote was available in accessible formats such as Braille, sign language and Easy Read.

35. **Mr. Kabue** said that he would welcome more information on the services provided to persons with disabilities by the focal point on disability appointed by the Ministry of Health.

36. Noting that 626 persons with disabilities had joined the civil service since the introduction of the quota system, he asked what positions were held by those persons, at what level of government they were employed, how many of them were women and how many were from indigenous communities.

37. Lastly, he asked whether organizations of persons with disabilities were involved in monitoring the implementation of the Convention.

38. **Mr. Basharu** said that he would like to know what measures had been taken to support parents of children with disabilities and to ensure that parents with disabilities were able to raise their children in dignity. It would be helpful if the delegation could explain the

disparity between the minimum age for marriage, which was 20 years, and the voting age, which was 18 years.

39. **The Chair** asked whether the social protection benefits mentioned by the delegation were based on the human rights model of disability; whether civil servants working in the fields of international cooperation and foreign affairs had received training on avoiding derogatory language when referring to persons with disabilities; and when the State party planned to establish an independent monitoring mechanism, with the effective participation of a civil society organization representing all persons with disabilities, including those of indigenous origin.

The meeting was suspended at 11.20 a.m. and resumed at 11.55 a.m.

40. **Mr. Ghimire** (Nepal) said that basic, disaggregated data on persons with disabilities were collected through the national population and housing census and specific surveys, such as the national living standards survey 2010/11.

41. Under new legislation, the district offices of the Department of Women and Children were now primarily responsible for the collection of data on persons with disabilities. Those data would be compiled by the coordination and steering committees at the national level and used to design measures to protect and promote the rights of persons with disabilities.

42. The Ministry of Women, Children and Social Welfare and the offices attached thereto performed their work effectively.

43. The right to education, including special education and inclusive education, was legally enforceable under the Constitution and the Disability Rights Act of 2017. Legal remedies were available to all citizens of Nepal, including persons with disabilities, for violations of that right.

44. The bill on mental health would be reviewed and amended on the basis of open consultations with the relevant stakeholders, including persons with mental impairments.

45. Sign language interpreting was available in all courts. Training would be provided for sign language interpreters by the Access to Justice Commission, under an action plan that it was implementing in coordination with government bodies, civil society and the media.

46. The tax exemptions provided for in the Income Tax Act of 2001 were designed to promote the creation of an environment in which persons with disabilities could exercise their economic rights.

47. The Government intended to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled once it had taken the legal and institutional measures necessary for its implementation.

48. Disability issues had been incorporated into the fourteenth periodic plan, which established indicators relating to the Sustainable Development Goals, and into the action plan of the Access for Justice Commission.

49. **Mr. Paudyal** (Nepal), summarizing paragraphs 11, 12 and 56 of his country's replies to the list of issues, said that the political participation of persons with disabilities was provided for in domestic legislation and that efforts had been made to ensure that voting facilities and materials were accessible to such persons. Ballot papers were not yet available in Braille, however.

50. As to the right of persons with disabilities to participate in employment, the Civil Service Act of 1992 provided that 45 per cent of public service posts should be reserved for socially and economically marginalized groups and that 5 per cent of reserved posts should be filled by persons with disabilities. Indigenous persons with disabilities could apply for public service posts from among the 5 per cent to be filled by persons with disabilities; the percentage of posts reserved for their specific ethnic group or, if applicable, for women; or the whole range of posts available. Many persons with disabilities had applied and been selected for public service posts at all levels and in a variety of fields. In announcing public

service vacancies, the Public Service Commission specified the percentage of posts to be reserved for socially and economically marginalized groups, including persons with disabilities. The introduction of a quota system for public service employment had led to an increase in the participation of persons with disabilities in that sector. No other measure to promote the employment of persons with disabilities had proved as effective. The 626 persons with disabilities who had joined the civil service since 2007/08 had done so as a direct result of the quota system. In addition, tax exemptions of up to 20 per cent were granted to private sector enterprises that employed persons with disabilities.

51. The Disability Rights Act of 2017 provided for the equal participation of persons with disabilities in cultural and social activities, including sporting events. He referred Committee members to paragraph 57 of his country's replies to the list of issues for information on the various measures adopted by the Government to ensure the inclusion of persons with disabilities in such activities and events.

52. The myriad challenges facing Nepal as a less developed country had led the Government to prioritize poverty reduction, the acceleration of socioeconomic development and the improvement of the national infrastructure, all of which would facilitate the enjoyment of rights by all citizens, including persons with disabilities. Programmes to that end, under the fourteenth periodic plan and the National Policy and Plan of Action on Disability, were outlined in paragraphs 53 and 54 of the replies to the list of issues. The need to adopt poverty reduction measures had also been confirmed by the country's baseline report on the implementation of the 2030 Agenda for Sustainable Development.

53. The Government had worked to ensure that persons with disabilities and their representative organizations were active participants in national development programmes. Nepal had been the first country to fully incorporate the Sustainable Development Goals into its national development plans and policies, which included strategies for providing persons with disabilities with appropriate, needs-based training, increased employment opportunities and improved access to resources. Moreover, Nepal had undergone a voluntary national review at the high-level political forum on sustainable development in 2017, which had given new impetus to its efforts to implement the 2030 Agenda for Sustainable Development. The Government acknowledged that civil society, including disabled persons' organizations, had an important role to play in that process.

54. International cooperation, development partnership and foreign aid continued to play an important role in the country's development. International solidarity and support for countries in need was a prerequisite for the universal promotion and protection of human rights and the creation of the conditions necessary for the enjoyment of those rights by the population. Continued international cooperation would prove crucial for the development of appropriate infrastructures, education and health-care facilities and new technologies for persons with disabilities living in less developed countries such as Nepal.

55. **Ms. Aryal** (Nepal), referring to articles 24 and 33 of the Convention, said that the School Sector Development Plan 2016–2023, a long-term strategic programme endowed with an annual budget, which aimed at increasing the enrolment and retention rate of children with disabilities, had produced the results detailed in paragraph 46 of the replies to the list of issues. The Plan also included a strategy for gradually transforming special and residential schools into resource centres of inclusive mainstream schools. The Special Education Council, which came under the authority of the Ministry of Education and served as the monitoring mechanism for inclusive education, could provide additional financial support to special schools or resource centres that dispensed good quality education to persons with disabilities. One Nepalese university had begun to offer an inclusive education course at both the bachelor's and the master's level, with the aim of facilitating the access of persons with disabilities to higher education in the future.

56. She referred the Committee to paragraphs 60, 61 and 62 of the replies to the list of issues for a breakdown of the specific responsibilities exercised by the central and local government bodies responsible for monitoring implementation of the Convention and protecting and promoting disability rights.

57. **Mr. Upadhaya** (Nepal) said that the social protection provided to persons with disabilities included community housing, emergency housing, medication, assistive devices and attendance allowances.

58. He thanked the members of the Committee for the keen interest, enthusiasm and constructive spirit with which they had engaged with the delegation of Nepal and for the richness of the dialogue. Notwithstanding the time constraints, the delegation had endeavoured to provide a candid overview of its efforts to implement the Convention and of the areas in which more needed to be done to enable persons with disabilities to fully realize the rights enshrined in the Convention and in the Constitution of Nepal. Although the primary responsibility for implementing the Convention rested with States, the role of civil society, including organizations of persons with disabilities, and other partners was also crucial. For Nepal, a less developed country facing unique and unparalleled challenges, the importance of having sufficient means of implementation could not be overstated. The interactive dialogue with the Committee, which had yielded numerous pragmatic suggestions that could inform future policies and measures intended to benefit persons with disabilities, had only strengthened the Government's resolve to make further progress.

59. **Mr. Kim** Hyung Shik said that he wished to thank the delegation of Nepal for the positive and constructive dialogue and commended it on its openness in acknowledging shortcomings and possibilities for improvement. While the State party's commitment to implementing the Convention was encouraging, it needed to do more to strengthen cooperation and to consolidate the working relationship between the Government and organizations of persons with disabilities. The realization of the economic, social and cultural rights of persons with disabilities often required a greater commitment on the part of States parties in terms of mobilizing and allocating resources. Going forward, the State party should adopt an approach to implementing the Convention that accommodated the two different sets of rights enshrined in it: civil and political rights on the one hand, and economic, social and cultural rights on the other.

60. **The Chair**, thanking the delegation for the open and constructive dialogue, said that she hoped that the Committee's suggestions and recommendations would further guide the State party in its commitment to the rights of persons with disabilities. She was also grateful to Nepalese civil society for its excellent parallel reporting and for all the information that it had provided to the Committee.

The meeting rose at 12.50 p.m.

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Convention on the Rights of Persons with Disabilities

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Nineteenth session

Summary record of the 369th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 20 February 2018, at 3 p.m.

Chair: Ms. Degener

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Oman (CRPD/C/OMN/1; CRPD/C/OMN/Q/1 and CRPD/C/OMN/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

2. **Mr. Al Kalbani** (Oman) said that the Ministry of Social Development, which was responsible for the implementation of the Convention in Oman, had attached great importance to the preparation of the State party's initial report (CRPD/C/OMN/1), ensuring the participation of a range of governmental and non-governmental bodies, including organizations of persons with disabilities. The Ministry had made a number of structural changes in 2011 and 2012 aimed at strengthening the framework for protection of the rights of persons with disabilities, most importantly the establishment of the Directorate General for Persons with Disabilities and the transfer of responsibility for the supervision of the Wafa' voluntary social centres from the private sector to the Ministry. The National Committee for the Care of Persons with Disabilities had also been restructured to include representatives of civil society and the private sector.

3. The Care and Rehabilitation of Persons with Disabilities Act had been adopted with the aim of strengthening services for persons with disabilities. The Ministry of Social Development had moved from a welfare model to a human rights-based approach, and that new approach was evident in its policies, plans, legislation and programmes and those of other relevant ministries. The Council of Oman had mandated committees to conduct exploratory visits to centres and departments to assess the services provided to persons with disabilities; those assessments would form the basis for the drafting of new legislation on the rights of persons with disabilities, in line with the Convention. At the policy level, the eighth and ninth five-year plans, the latter of which ran until 2020, included important provisions on the advancement of persons with disabilities in various sectors. The Ministry of Social Development's Social Action Strategy (2016–2025) and Executive Plan included an integrated focus on the rights of persons with disabilities. In 2014, the Ministry of Health had prepared an overview for the health system up to 2050, ensuring the health rights of persons with disabilities in all aspects.

4. Achievements at the institutional level included the allocation of a number of seats in the State Council to non-governmental organizations (NGOs), including an association for persons with disabilities, and the conclusion of a memorandum of understanding between the Ministry of Social Development and the Oman Human Rights Commission in 2015 concerning the transfer of the monitoring mechanism for the Convention to the Commission. A representative of persons with disabilities had been appointed to the Oman Human Rights Commission. In 2015, the National Centre for Statistics and Information had issued a booklet on Omanis with disabilities, based on the 2010 census data, including their geographical distribution, social and educational status, and the causes and degrees of disability, and in 2017 it had conducted a study on the situation of persons with disabilities. Financial support for services for persons with disabilities had been increased.

5. At the legislative level, the Consultative Council Election Act guaranteed the rights of citizens to vote and stand for election to the Council without discrimination based on disability. The new Criminal Code established specific penalties for rape and sexual molestation with a view to ensuring the protection of children with disabilities from sexual violence; it also provided for measures to protect children with disabilities from "honour crimes", in particular infanticide by the mother.

6. Rehabilitation services for persons with disabilities had been expanded over the previous five years across all the provinces and wilayahs, with the number of Wafa' centres for the rehabilitation of children with disabilities increasing to 26 and the number of special rehabilitation centres rising from 7 to 31. The Diagnostic and Disability Assessment Unit had been set up in the Directorate General for Persons with Disabilities and was working in cooperation with the Ministry of Health and the Ministry of Education to develop

diagnostic, assessment and intervention mechanisms tailored to individual needs. A range of actions had been taken to ensure equal opportunities in the area of education and employment, including the awarding of full scholarships to 50 persons annually for study at higher education institutions in Oman and abroad. Under the vocational integration programme, persons with motor and hearing disabilities were enrolled in vocational training centres affiliated to the Ministry of Manpower, which offered new specialized courses for persons with disabilities that met the demands of the labour market. Persons with disabilities could also receive training in some professional fields alongside peers who did not have disabilities. By the end of 2017, a total of 1,752 students with hearing and mental disabilities had been enrolled in public schools, and 1,095 persons with disabilities had been employed in the public sector and 1,451 in the private sector, some of them in senior supervisory and planning positions.

7. In January 2018 the National Committee for the Care of Persons with Disabilities had approved the preparation of a manual on the specifications for accessibility of the built environment. In 2013, the Ministry of Social Development had organized a training workshop on the implementation of article 9 of the Convention for persons working in the public and private sectors. The Sixth Scientific Conference on Information and Communication Technology and Accessibility had been held in Oman in December 2017. A workshop had been held in April 2017 with the participation of 70 State agencies to assess the role of each institution in accordance with the Convention. A panel discussion had been held in January 2018 with the participation of persons with disabilities and 65 representatives of NGOs and private and public institutions to review the State party report and replies to the list of issues and the new bill on the rights of persons with disabilities. Regular meetings had been held since 2011 with NGOs, public and private rehabilitation centres and specialists in the field of disability. Workshops on the Convention had been organized in partnership with the United Nations Children's Fund (UNICEF) for 297 participants in April 2014.

8. Among the most fundamental challenges faced were the need for early detection and diagnosis of disability, the lack of specialists working in the field of disability, the lack of reliable data on disability and the need for additional financial resources. Through future five-year plans, the Government would seek to make a paradigm shift in the field of disability and strike a balance between incorporating the rights of persons with disabilities into public policies, on the one hand, and targeting support in accordance with individual needs and removing community barriers, on the other.

9. **Mr. Al Hosni** (Oman Human Rights Commission) said that the Commission was an independent national institution comprising 14 members with a mandate to promote and protect human rights in Oman. The Commission commended the Government's efforts in establishing a national committee for the implementation of the recommendations of the Committee on the Rights of Persons with Disabilities and providing a platform for consultation with all stakeholders on the bill on the rights of persons with disabilities. It also welcomed the formulation of the action plan to further promote and protect the rights of persons with disabilities. The Commission had made a number of recommendations that it considered critical to further improving the status of persons with disabilities, particularly when it came to access to education and employment and awareness of their rights and obligations. Given that negative cultural attitudes towards disability persisted, the Commission recommended that education and awareness-raising programmes should be promoted intensively.

10. **Mr. Basharu** (Country Rapporteur) said that the Committee was grateful to the Government of Oman for submitting its initial report in a timely manner. It also appreciated the reports of the various organizations of persons with disabilities and civil society organizations. The Government of Oman was to be commended on the various legal and practical measures taken to promote and protect the rights of persons with disabilities, including the establishment of the Directorate-General for Persons with Disabilities and the adoption of the Care and Rehabilitation of Persons with Disabilities Act. However, the Act did not prohibit discrimination on the basis of disability. Moreover, disability continued to be defined on the basis of a medical approach, and assessment criteria for eligibility for services still focused on the degree of impairment of persons with disabilities, resulting in

exclusion, particularly of persons with psychosocial and intellectual disabilities. Several laws provided for practices that were discriminatory towards persons with disabilities, and laws, policies and Government documents contained derogatory language. Sign language was not recognized as an official language for deaf persons; such recognition was essential in order to address their isolation, as was effective teaching of sign language in schools.

11. Discrimination and violence against women and girls with disabilities persisted, and there was no specific law under which victims could lodge complaints and seek reparations and protection from perpetrators. Women and girls with disabilities were not systematically mainstreamed into the gender equality agenda, and they had low levels of participation in public and political life and little to no representation in NGOs. Female genital mutilation was widely accepted, especially in rural areas, and "honour" crimes, including the killing of children with disabilities, were widespread. The Committee was concerned that many girls had no chance of going to school, not necessarily because of the school system itself, but because of their parents' ignorance, coupled with the fear of abuse. It was also concerned at the high rate of illiteracy among persons with disabilities, particularly women and girls in rural areas. It was necessary to raise awareness of the Convention and the rights of persons with disabilities among the general public in order to dispel the negative perceptions of persons with disabilities in society.

Articles 1–10

12. **Mr. Chaker** said that he would welcome information on measures taken to protect children with disabilities from "honour crimes", especially infanticide, and on the prevalence of such crimes.

13. **Mr. Ishikawa** said that the delegation might comment on whether denial of reasonable accommodation was considered a form of discrimination under Omani law. He would also welcome information on how the State party went about resolving disagreements about whether requests for reasonable accommodation constituted an undue burden.

14. **Mr. Langvad** said that he would be grateful for information on measures adopted to ensure the accessibility of information and communication, in particular for persons with intellectual disabilities, and the provision of sign language interpretation for deaf persons by qualified and certified sign language interpreters.

15. **Mr. Ruskus** said that he would like to hear about the steps being taken to mainstream the provisions of the Convention across national legislation and about the outcomes of policies and strategies adopted specifically to ensure the social inclusion and full participation of persons with all kinds of disabilities. Expressing concern about derogatory language used in some State party reports, he asked what efforts were being made to align the terminology used with the Convention. He would appreciate an explanation of the criteria used in defining disability status, given that the percentage of persons with disabilities in the State party according to the results of the 2010 census — 3.2 per cent — seemed surprisingly low. He would also like to hear about the situation of children with intellectual and psychosocial disabilities, including autism, and the education and early intervention services available to them.

16. **Mr. Parra Dussan** asked whether the State party intended to expressly prohibit discrimination on the basis of disability. He also wished to know what steps had been taken to conduct national awareness-raising campaigns *to combat prejudice and promote greater* acceptance of persons with disabilities.

17. **Mr. Tatić** asked what efforts had been made to ensure that children with disabilities had equal access to the temporary shelters designed for child victims of violence, exploitation or ill-treatment. He would like to know how many people had participated in the accessibility training courses held in 2013 and whether similar training sessions would be organized on a regular basis in future. Further information about the process of granting building permits would also be welcome, including whether planning permission had ever been denied in cases where building plans failed to include all the facilities required to permit the use of the building by persons with disabilities. Lastly, he would like to know

whether appropriate accessibility provisions had been made to ensure barrier-free access for persons with disabilities who wished to visit Oman for tourism or business purposes.

18. **Mr. Pyaneandee** said that articles 12 (4) and (5) of the Basic Law of the State, which referred to "infirmity" and "preventive and curative public health care", appeared to evidence a medicalized view of disability that was inconsistent with the Convention. He would appreciate a comment from the delegation in that regard. He also wished to know what steps had been taken to promote the participation of women and girls with disabilities and their representative organizations in national policy formulation and implementation. He would like to hear what legislative measures had been adopted to implement article 5 of the Convention, particularly with regard to reasonable accommodation. Lastly, he wondered whether a mechanism was in place to enable victims of discrimination to lodge complaints and whether the Oman Human Rights Commission was empowered to deal effectively with such complaints.

19. **Mr. You** Liang said that he would have liked to have seen more persons with disabilities included in the State party's delegation. He would like further information regarding the concrete measures taken to implement the Convention. For example, what steps had been taken to improve access to reproductive health services for women with disabilities, particularly those with intellectual and psychosocial disabilities? Information on the steps taken to promote the economic independence of women with disabilities would also be welcome. As for children with disabilities, he wished to know what efforts had been made to ensure that they had access to early intervention and rehabilitation services and appropriate educational facilities.

20. **Mr. Buntan** said that he was curious to know why there were so few complaints of discrimination in the State party. Was discrimination simply not an issue in Oman? He would like to hear what specific measures had been adopted to combat the discrimination faced by persons with disabilities. He also wished to know what steps had been taken to systematically promote the participation of organizations of persons with disabilities in the formulation, implementation and monitoring of national legislation and policies. Lastly, he asked what efforts had been made to include specific protections for the rights of women and girls with disabilities in national policies aimed at promoting the rights of women and girls in general.

21. **Mr. Martin** asked what action had been taken to promote a human rights approach to disability and to include organizations of persons with disabilities in the planning and delivery of national awareness-raising campaigns. He also wished to know what training on the rights of persons with disabilities had been provided to government officials, officials of the judicial system and representatives of the media.

22. **Mr. Lovászy** asked whether the relevant national authorities took into account the views of children with disabilities regarding their needs and interests. He also wondered what safeguards were in place to protect the rights of children with disabilities in the areas of education, health and rehabilitation. He wished to know whether persons with disabilities and their representative organizations had participated in the measures taken to combat stereotypes and prejudices surrounding disability and whether schools had been targeted in the national media's awareness-raising campaigns. In addition, he would like further information on the outcome of the 2012 digital access policy and on the availability of assistive technologies and the implementation of legally binding information and communication technology standards. He wondered why the Government had decided to postpone the introduction of sign language training sessions for health-care professionals and whether it had a timetable for improving conditions for the teaching of sign language.

23. **Mr. Alsaif** asked what steps had been taken to promote a human rights approach, rather than a medical approach, to disability in all areas of society. He also wished to know whether the State party had specific legislation on accessibility and whether any sanctions had been imposed on government entities or public bodies that failed to comply with accessibility requirements.

24. **Mr. Babu** asked whether parents of children with disabilities were able to become members of the child protection committees set up to safeguard children who had been exposed to violence. He also wished to know, in the context of the national strategic plan to

create a barrier-free society, whether architecture, engineering and construction courses included mandatory training on accessibility and universal design.

25. **Mr. Rukhledev** said that he would like to know whether persons with sensory impairments had access to appropriate assistive and information and communication technologies. He would also like to hear what measures were in place to ensure that such persons could access information and services in emergency situations.

26. **Mr. Basharu** asked what measures had been taken to tackle the multiple forms of discrimination faced by women and girls with disabilities and to increase their participation in education, work and employment. He also wished to know what efforts had been made to involve persons with disabilities and their representative organizations in awareness-raising campaigns and what measures had been taken to eliminate discriminatory laws relating to marriage and family life and to combat stereotypes, prejudices and harmful practices relating to persons with disabilities.

27. **Mr. Kabue** asked what complaint mechanisms were available to persons with disabilities who wished to report discrimination, including the denial of reasonable accommodation. He would also like to know what steps had been taken to implement the provisions of the 2008 Care and Rehabilitation of Persons with Disabilities Act and to involve persons with disabilities and their representative organizations in the formulation of legislation relating to their well-being.

28. **The Chair**, noting the references to preventive and curative health care in the Basic Law, asked whether the State party intended to adopt a more human rights-based approach to disability.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

29. **Mr. Al Adawi** (Oman) said that, in regard to measures to prevent honour killings, the Government had introduced strict legislation to protect children, particularly those living in institutions, from becoming victims of any type of criminal offence. Article 303 of the Criminal Code prescribed a penalty of between 3 and 10 years' imprisonment for women who killed a child conceived out of wedlock. The Children's Act devoted an entire section to the rights of children with disabilities with a view to protecting them from ill-treatment and abuse. Child victims of violence, abuse or exploitation were entitled to rehabilitation pursuant to article 59. The Act also provided for the establishment of child protection committees to receive and examine complaints and to have perpetrators of abuse arrested and prosecuted. Offences could also be reported via hotlines, and the anonymity of callers was guaranteed. Child protection officers could recommend that child victims should be placed in temporary shelters by order of the Public Prosecution Service.

30. The Children's Act also contained a section concerning penalties and civil damages. Furthermore, article 278 of the Criminal Code prescribed penalties of imprisonment for between 10 days and 6 months and/or a fine of between 100 and 500 Omani riyals for perpetrators of abuse against children, including children with disabilities.

31. **Mr. Al Farsi** (Oman) said that there had been a significant quantitative and qualitative improvement in health-care services for persons with disabilities since 1970. With a view to preventing disability, an antenatal care programme for pregnant women had been launched in 1987. It provided for early screening to detect congenital anomalies and for prompt surgical interventions free of charge. Such services were available to both citizens and residents in all governorates and regions. A survey conducted in 2008 had found that more than 50 per cent of marriages were consanguineous. As such marriages were associated with a higher risk of genetic diseases in offspring, the competent authorities encouraged young people to undergo premarital screenings. A pioneering screening programme had been launched in September 2017 to detect autism and related intellectual disabilities. The requisite care was provided for persons with such disabilities throughout their lives.

32. **Mr. Al Abri** (Oman) said that vigorous action was being taken to provide reasonable accommodation for persons with disabilities and to ensure accessibility. For instance, the building code that had been applied to the new Muscat International Airport, which would be inaugurated on 20 March 2018, complied with applicable international

standards. Special services were available for people in wheelchairs and assistance was provided for the recovery of their luggage. Reasonable accommodation services were also provided in public transport vehicles. Seats were designated for persons with disabilities and all buses contained ramps for wheelchairs. The needs of persons with disabilities were also taken into account in public toilets and at traffic lights. Training courses on reasonable accommodation and accessibility were provided for engineers in different municipalities to ensure that new buildings met international standards.

33. Article 9 of the Care and Rehabilitation of Persons with Disabilities Act required governmental departments and employers to recruit a quota of persons with disabilities to enable them to participate actively in accordance with their skills and qualifications. Article 11 of the Act required the authorities to facilitate the participation of persons with disabilities in sporting and cultural activities. They were also exempted from taxes on residential land and were provided with soft loans for real estate purchases.

34. **Mr. Al Shabibi** (Oman) said that the Information Technology Authority had taken action to render communication technology accessible for persons with disabilities. Most if not all ministries had launched audio systems to facilitate access to their websites and hence to raise awareness of the rights and services available to persons with disabilities. Public transport vehicles were equipped with Internet and WiFi connections so that commuters with disabilities could use their mobile phones and make any calls they required to reach their destinations.

35. Sign language had now been adopted as an official language. Television news bulletins and many other programmes were currently interpreted into sign language. Sign language interpreters were available throughout legal proceedings. The Ministry of Social Development had established the Omani Association for Persons with Hearing Impairments to disseminate sign language. A specialized training institute with experts appointed by the Ministry had been established to disseminate and raise awareness of sign language and to provide training courses.

36. **Ms. Asadullah** (Oman) said that the Ministry of Education had established schools in all areas of every governorate, including in the mountains and remote areas. The Ministry maintained detailed enrolment statistics, which were used to determine the types of disability that were prevalent in each area and the need for appropriate educational services. The Ministry had appointed assistants to ensure that young girls with disabilities were not harassed when travelling to school by bus. The effectiveness of the educational services provided for women with disabilities was reflected in the fact that women with visual and hearing impairments had performed extremely well in examinations for high-level diplomas. For instance, a blind woman in Musandam Governorate had achieved a grade of 89 per cent, a woman with a hearing impairment in Sharqiyah South Governorate had achieved 91 per cent and another woman with a hearing impairment in Buraymi Governorate had achieved 89 per cent. Schools were equipped with advanced electronic devices to ensure that information was accessible for pupils with disabilities. The Ministry of Education had concluded a coordination agreement with UNICEF on training courses in sign language for 200 teachers.

37. **Mr. Al Amri** (Omani Association for Persons with Disabilities) said that his Association cooperated with governmental bodies in raising awareness of the needs of persons with disabilities. In 2000 it had begun work on a project, in coordination with Muscat and other regional municipalities, aimed at providing the necessary infrastructure for persons with disabilities. Muscat Municipality had adopted Decision 6/2000 on rendering toilets and escalators accessible for persons with disabilities. No building permits were granted unless the applicable building code was respected, and inspections were conducted by engineers to ensure compliance.

38. His Association also cooperated with the Ministry of Social Development. For instance, the Ministry had consulted it when drafting the Care and Rehabilitation of Persons with Disabilities Act promulgated in 2008. It was also involved in ensuring that the new bill on the rights of persons with disabilities complied with the provisions of the Convention. Persons who violated the building code or other regulations relating to persons with disabilities would be fined under the new legislation. The new act would also provide for an

increase, from 2 to 5 per cent, in the proportion of persons with disabilities employed in the public sector. The practice of consulting the Omani Association for Persons with Disabilities had encouraged governmental bodies to move from a welfare-based to a rights-based approach to disability in legislative and decision-making processes.

39. **Mr. Al Shidhani** (Omani Association for Persons with Hearing Impairments), confirming that sign language interpretation was provided for many television broadcasts and for legal proceedings, said that such interpretation was also provided for parliamentary and municipal council meetings and during elections. Interpretation services were provided in shelters and rehabilitation centres and to facilitate communication between children and their parents in family guidance cases. The Omani Association for Persons with Hearing Impairments had organized sign language training courses for 27 persons in all the country's governorates and monitored developments in that regard. Training courses for medical personnel had also been organized in cooperation with the Ministry of Health, and an agreement had been reached on the inclusion of sign language in health-related courses in 13 training establishments with a view to raising awareness of the communication needs of persons with hearing impairments. The need for assistive devices, especially for children with disabilities, was underscored.

40. **Mr. Al Adawi** (Oman) said that Oman had ratified the Convention by Royal Decree No. 121/2008. It therefore had force of law pursuant to article 80 of the Basic Law, which stipulated that no authority could issue rules or regulations that contravened international treaties ratified by Oman. The Ministry of Legal Affairs reviewed legislation and decisions prior to their publication in the Official Gazette to ensure that they complied with the Basic Law and ratified treaties. The Care and Rehabilitation of Persons with Disabilities Act had been adopted in 2008, just before the ratification of the Convention, and all branches of Government had taken steps to ensure that it complied with the provisions of the Convention. Instructions had been issued to ensure that all public buildings and services were accessible, and non-compliance was punishable.

41. The bill on persons with disabilities that was currently being drafted reflected the provisions of the Convention. It contained seven sections that addressed, inter alia, the right to education, health, employment, culture and sport, and economic rights. There was also a specific section on the rights of women and children with disabilities. Existing laws criminalized the abuse of women and children. The fact that a victim was under the age of 15 or had a disability that prevented him or her from defending him or herself was an aggravating circumstance in cases of violence and indecent assault. Victims were provided with care and rehabilitation services. The anti-trafficking law specifically referred to persons with disabilities and made the victim's age, disability and relationship with the trafficker aggravating circumstances. Trafficking victims were informed of their rights in a language they understood and were entitled to treatment and rehabilitation. Heavier penalties were imposed in cases where the victims were persons with disabilities.

42. **Mr. Al Mutawa** (Oman) said that the membership of the Committee for Training and Employing Persons with Disabilities had been decided on the recommendation of the Omani Association of Persons with Disabilities. The purpose of the Committee was to encourage the private sector to provide employment opportunities for persons with disabilities in accordance with their disability and qualifications. In addition, training for persons with disabilities had been provided since 2016 in areas such as electronics, marketing, painting, decorating and upholstering, food processing, and car mechanics. A sign language course for teachers was also available.

43. **Mr. Al Farsi** (Oman) said that it was not accurate to describe the Sultanate as taking a welfare approach to disability. Its approach was human rights-based and was designed to empower both persons with disabilities and their families. For example, the Government had sent 15 families to the United States of America to take part in the Son-Rise training programme on the treatment of children with autism, and the country's first school for children with autism would be opened in the near future. The Sultanate also promoted an evidence-based approach to disability, and the number of scientific studies conducted in the country in the area of disability exceeded the number of studies in all other areas. Some of the Sultanate's highest scientific and academic positions had been and were held by persons with disabilities.

44. **Mr. Al Shabibi** (Oman) said that the definition of disability contained in the Care and Rehabilitation of Persons with Disabilities Act had been adopted prior to the ratification of the Convention. The Government was aware that that Act reflected a medical approach and had taken steps to bring subsequent legislation into line with the Convention. The Children's Act, for example, contained a definition of "child with disabilities" that was close to the definition in the Convention, and the new bill on the rights of persons with disabilities would contain wording identical to that of the Convention. The Government had used the Convention as a reference in addressing the matter of terminology, leading to a ban across government bodies on the use of the term "person with special needs". Furthermore, the Government was working with UNICEF on a unified classification of disabilities that was in keeping with the Convention. In that connection, a workshop bringing together international experts and representatives of government entities working on disability issues had been held the previous month.

45. A hotline had been set up to receive complaints of abuse, whether physical, psychological or sexual, against children, including those with disabilities. Any complaints thus received were dealt with by means of the applicable legal process. The Oman Olympic Committee was strongly attached to promoting the participation of athletes with disabilities in the Paralympic Games. According to statistics from a 2010 census conducted using indicators developed by the Washington Group on Disability Statistics, the disability rate in Oman was 3.2 per cent. Other methods might have yielded higher levels, but the method had been chosen as part of government efforts to establish a suitable definition of disability and set up a modern database to keep better records and accurately determine disability rates. The Government planned to carry out a new, electronic census, applying the latest standards in the field, in 2020. The Official Gazette had been published in Braille since 2005.

Articles 11–20

46. **Mr. Basharu** asked what measures had been put in place to provide judicial personnel with training in disability issues, including the provision of procedural accommodations, and to disseminate legal information in accessible formats, such as Braille, sign language and Easy Read. He wished to know whether there were plans to develop a national policy on training professionals to teach mobility skills to blind persons.

47. **Mr. Rukhledev** asked whether sign language interpretation was provided to deaf persons if they were arrested by the police and during judicial proceedings. If so, how were the qualifications of the interpreters assessed and were organizations of deaf persons involved in the assessment?

48. **Mr. Alsaif** asked whether measures were in place to ensure the safety of persons with disabilities and provide them with assistance during situations of emergency or risk and whether assisted decision-making mechanisms were in place for persons with mental disabilities.

49. **Mr. Chaker** asked whether the State party provided services and benefits to persons with disabilities, especially those who did not enjoy the support of family, with the aim of enabling them to live independently in the community. For example, were there transportation subsidies and allowances to cover disability-related costs?

50. **Mr. Kabue** said that the Care and Rehabilitation of Persons with Disabilities Act of 2008 did not appear to address the legal capacity of persons with disabilities or provide for supported decision-making mechanisms; he would like to know what plans there were to correct those shortcomings. The practice of committing persons with psychosocial disabilities to institutions on the grounds that they might pose a danger to themselves or others was contrary to the Convention; accordingly, he wished to know what steps were being taken to prohibit the practice. It would also be helpful to know whether the concept of independent living was promoted in the State party and whether persons with disabilities whose rights had been violated were eligible for free legal aid.

51. **Mr. Lovászy** asked whether any tangible, legally binding measures had been adopted or would be adopted within a reasonable time frame following the April 2017 workshop on access to justice. He would appreciate further information on the role and

independence of the National Committee for the Care of Persons with Disabilities and its status within the national system. Further details on the use of sign language in the public and private sectors would also be appreciated; specifically which government institutions did not use sign language and which private sector entities were required to use sign language for official business?

52. **Mr. Kim** Hyung Shik asked how many persons with disabilities lived in institutions and what measures, if any, were in place to promote deinstitutionalization.

53. **Mr. Ruskus** asked whether forced committal on grounds of disability was legal in the State party under any circumstances, including committal of persons with intellectual or psychosocial disabilities for purposes of treatment or protection. He wished to know what legislative and administrative safeguards had been or would be adopted to ensure that persons were not institutionalized or otherwise deprived of their liberty on account of actual or perceived impairments.

54. **Mr. Buntan** asked how the State party usually circulated information on disaster preparedness to persons with various types of disabilities. Were persons with intellectual or psychosocial disabilities considered fit to stand trial when accused of an offence? If so, what measures were in place to guarantee their right to a fair trial?

55. **Mr. Martin** said that he would like specific information about the situation of persons with intellectual disabilities in Oman.

56. **Mr. Babu** said that there was a clear discrepancy between the constitutional provision whereby all citizens were equal before the law and equal in rights and duties and the Civil Code, which mandated guardianship for persons with disabilities and denied them the right to exercise legal capacity on the basis of impairment. Were there plans to harmonize the two instruments?

57. **The Chair**, noting the State party's position that domestic and sexual violence against women was not a significant enough problem to warrant a specific law, asked what measures were in place to combat that type of violence against women with disabilities.

The meeting rose at 5.55 p.m.

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Nineteenth session

Summary record of the 370th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 21 February 2018, at 10 a.m.

Chair: Ms. Degener

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Initial report of Oman (*continued*)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Oman (*continued*) (CRPD/C/OMN/1; CRPD/C/OMN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

2. **Mr. Al Adawi** (Oman), replying to questions posed at the previous meeting, said that persons who suffered discrimination on the basis of disability could bring a case before the competent courts and claim civil compensation proportionate to the harm done. Under the Children's Act, children who were victims of violence, abuse, exploitation or another criminal offence were entitled to receive civil compensation. The new bill on the rights of persons with disabilities prohibited discrimination on the basis of disability.

3. With regard to the questions about honour crimes, Omani criminal law had been amended to ensure that the concept of honour could not be considered an extenuating circumstance in cases of unlawful killing. The aggravating circumstances applicable in cases of unlawful killing could lead to the imposition of penalties ranging from a prison sentence to capital punishment.

4. While the Care and Rehabilitation of Persons with Disabilities Act of 2008 — whose promulgation had preceded the ratification of the Convention — did not refer specifically to the legal capacity of persons with disabilities, there were several legal safeguards that protected the right of persons with disabilities to exercise their legal capacity on an equal basis with others. For example, the Constitution provided for the equality of all citizens before the law and prohibited discrimination on grounds of gender, origin, colour, language, religion, confession, domicile or social status. The Civil Transactions Act of 2013 provided that any person who had attained the age of majority, which it set at 18 years, and was mentally competent enjoyed full and equal legal capacity. That right was also enshrined in the new bill on the rights of persons with disabilities. No distinction was drawn between the legal capacity of persons with disabilities and that of persons without disabilities in the exercise of civil rights or in the completion of commercial or financial transactions under the Trade Act. Consequently, any instructions or internal regulations that required the guardian of a person with a disability to be present in order to complete a commercial transaction were unlawful. Furthermore, there was no law limiting the legal capacity of persons with disabilities as defined in the Civil Transactions Act and in the Trade Act.

5. The Constitution also guaranteed all citizens the right to engage in the work of their choice, within the limits of the law. Accordingly, the Labour Code guaranteed persons with and without disabilities equal access to jobs and employment contracts. Under the Personal Status Act, persons with disabilities had the same right to marry as persons without disabilities, provided they had reached the age of majority. Similarly, persons both with and without disabilities who had reached the age of 21 years were entitled to stand for election to parliament. There was no contradiction between the Civil Code and the Constitution with regard to the guardianship regime, which applied equally to persons with and without disabilities.

6. **Mr. Al Farsi** (Oman) said that, whereas in the past mental health services had only been available in specialized hospitals and clinics, they had been expanded over time and were now provided as part of the standard package of primary care services. Mental health services were available to children as well as adults at all health centres in all governorates of Oman. The increased accessibility and availability of mental health services had served to reduce the stigma surrounding mental health conditions and to encourage more people, especially children and adolescents, to seek treatment.

7. Under the School Health Programme, students underwent a hearing and eye test, as well as a psychological examination and an assessment to identify learning disabilities, with a view to ensuring early treatment. The findings of two studies on the prevalence of

depression, anxiety, suicidal thoughts and attempted suicide among children and adolescents in Oman had served to raise government officials' awareness of those problems and had paved the way for the expansion of psychological health services. Furthermore, a recently launched programme had helped to resolve some of the difficulties previously encountered in distinguishing between mental and neurological disorders, which, in the past, had led to neurological disorders being neglected. One of the challenges still facing the Government was how to create stronger links between health-care, rehabilitation and educational services.

8. **Mr. Al Abri** (Oman) said that the State provided more than 13,000 persons with disabilities with financial support in the form of a monthly allowance and had issued more than 36,000 persons with disabilities with a special card to enable them to claim benefits such as fee exemptions in health centres and hospitals Organizations of persons with disabilities and private sector associations complemented State efforts by offering persons with disabilities additional financial support and assistance in finding suitable housing. The Ministry of Housing granted assistance and fee exemptions to persons with disabilities wishing to purchase a plot of land or apply for a loan for the purpose of setting up a small or medium-sized enterprise.

9. The measures taken to facilitate the independent living and social integration of persons with disabilities included the introduction of discounted aeroplane tickets and reduced tariffs for calls made using audiovisual applications and for text messaging and Internet service. Persons with disabilities were also exempt from queuing at the premises of State authorities and could receive expedited service. They were also entitled to park in specially designated parking spaces. Schools buildings had ramps to facilitate wheelchair access. In addition, persons with disabilities were provided with training in information and communications technology. To the extent possible, health-care facilities were designed to accommodate the needs of persons with disabilities.

10. **Mr. Al Shabibi** (Oman) said that early detection and intervention were the key to ensuring that children with disabilities received appropriate rehabilitative care. The provision of early rehabilitation services fell within the purview of the Ministry of Social Development, which issued licences to rehabilitation centres. There were currently 26 Wafa' centres for the rehabilitation of children with disabilities located throughout the country. Those centres, along with centres run by NGOs and private centres, provided services for children from an early age. If children with disabilities were unable to attend a rehabilitation centre in person, home visits could be arranged.

11. The Ministry of Social Development, with the support of external experts, had organized a pilot training programme to accredit sign language interpreters. To date, six interpreters had been accredited. The Omani Association for Persons with Hearing Impairments assisted the Ministry in teaching sign language to interested parties and, in so doing, helped facilitate the expansion of sign language interpretation as a service for persons with disabilities. There were also plans to adopt a formal legal framework for the training and accreditation of interpreters in the near future. If sign language interpretation was required at a police station or in a judicial setting, the Ministry of Social Development, in coordination with the Omani Association for Persons with Hearing Impairments, would ensure that an interpreter was available at all stages of the proceedings.

12. In the event of a disaster, the emergency relief unit of the National Committee for Civil Defence was responsible for providing shelters that were adapted to the needs of persons with disabilities. Sign language interpreters were assigned the task of translating bulletins, weather forecasts and alerts to facilitate the transmission of essential information.

13. There were no residential institutions for persons with disabilities in Oman. There was a centre to accommodate persons travelling from outside the capital to undergo intensive short-term rehabilitation; however, the centre provided services during the day only. Persons receiving such services spent evenings and weekends with their families. After leaving the centre, they continued their treatment through home visits.

14. **Mr. Al Shidhani** (Omani Association for Persons with Hearing Impairments) said that information technology companies provided visual communication services for persons with disabilities. The possibility of some State authorities providing such services was

currently under discussion. The services provided by associations for persons with hearing impairments had proved instrumental in enabling persons who were hard of hearing to secure employment. More hard-of-hearing persons were expected to join the labour force as a result of closer cooperation between State bodies.

15. **Ms. Al Hadi** (Oman) said that, according to the 2010 census, the illiteracy rate stood at [illegible].1 per cent for the whole population and at 56 per cent for persons with disabilities; the rates among men and women with disabilities were 46 and 68 per cent, respectively.

16. **Mr. Al Shabibi** (Oman) said that persons with disabilities were exempt from paying the fee associated with obtaining or renewing a driver's licence and the fees associated with buying or renting a property.

17. **Ms. Asadullah** (Oman) said that the Omar bin al-Khattab Institute for the Blind organized workshops for persons wishing to learn Braille and cooperated with various government bodies on the production of Braille publications. Three classes of students at the Institute had tested electronic Braille devices, which could be used to access a variety of learning materials.

18. **Mr. Al Adawi** (Oman) said that the Constitution guaranteed access to justice for all citizens, including persons with disabilities. Legal assistance was available to persons with disabilities, and they were exempt from certain legal fees. Interpreting services were provided during court proceedings for persons with disabilities and persons who did not speak Arabic. The bill on the rights of persons with disabilities established that special assistance must be provided for persons with disabilities throughout judicial proceedings. Workshops on the provision of such assistance had been organized for the relevant professionals.

19. **Mr. Al Amri** (Omani Association for Persons with Disabilities) said that civil society organizations had legal personality and were entitled to conduct their affairs without interference, provided they did not commit financial or other infractions. With regard to marriage, persons with disabilities had the same rights as those without disabilities. Forced marriages were prohibited in all circumstances.

20. **Mr. Al Shabibi** (Oman) said that all victims of violence or ill-treatment were entitled to judicial protection. A hotline had been set up to receive complaints of violence against women or children with disabilities. Protection committees, composed of representatives of various government bodies, had been established in all governorates. Reconciliation committees had also been set up to help resolve family matters. In some cases, victims of violence or ill-treatment were removed from their families and placed in a shelter until a more appropriate solution could be found.

Articles 21–33

21. **Mr. Alsaif** asked whether there was any legislation ensuring that persons with disabilities who applied for a job or a promotion were, like other candidates, assessed on the basis of competence alone.

22. **Mr. Lovászy**, noting that there were segregated schools in Oman and that the integration programme mentioned in paragraph 89 of the State party's replies to the list of issues (CRPD/C/OMN/Q/1/Add.1) appeared not to be fully in line with the Committee's general comment No. 4 on the right to inclusive education, said that he would appreciate receiving data on the numbers of children enrolled in inclusive education programmes. He would also like to know whether the booklet on the philosophy of education mentioned in paragraph 87 of the State party's replies contained specific references to inclusive education. In addition, he wondered whether the 200 teachers who had received sign language training worked in mainstream or specialized schools and what provision was made for hard-of-hearing students who did not use sign language.

23. **Mr. You** Liang said that he would like to know whether reasonable accommodation and necessary resources, such as textbooks in Braille, were provided for students with disabilities and how many persons with disabilities had graduated from tertiary education institutions in the previous five years. He would appreciate more information on the number of persons with disabilities who had been elected to parliament and on any

legislation they had proposed that had been adopted and implemented. It would also be interesting to hear what activities had been organized to develop the artistic potential of persons with disabilities. He wondered what steps were being taken to transition from survey-based data collection to the creation of a database of specific information on the situation and needs of persons with disabilities. Lastly, he wished to know what measures had been taken to include disability issues in the national programme for the achievement of the Sustainable Development Goals.

24. **Mr. Buntan** said that he would appreciate information on the legal status of Braille; steps taken to ensure that it was legally recognized as a script; and measures taken to oblige public broadcasters to use accessible modes, means and formats of communication, including audio description, captioning and Easy Read. He wondered whether the State party had taken any steps towards the ratification and effective implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. He would also like to know more about the Government's understanding of inclusive education and about any plans it had to develop a more inclusive education system.

25. **Mr. Martin** asked whether public information, including information on health care, was available in accessible formats, such as Braille, sign language and Easy Read versions, and what training was provided for health professionals on the rights of persons with disabilities, including persons with psychosocial and intellectual disabilities. He also enquired whether an Easy Read version of the Government's guidance on how to vote would be made available.

26. **Mr. Kabue** asked what support was provided for couples with disabilities, particularly those without employment or a stable income, to enable them to live independently; whether sign language interpreting for individual students was available in tertiary education establishments; what the Committee for Training and Employing Persons with Disabilities had achieved; and whether there was an independent mechanism, involving organizations of persons with disabilities, that was responsible for monitoring the implementation of the Convention.

27. **Mr. Chaker** enquired how many hours of television broadcasting were accompanied by sign language interpreting and whether information on government programmes and policies was available in sign language.

28. **Mr. Basharu** (Country Rapporteur) asked what measures had been taken to address the low level of employment among persons with disabilities, especially women, and to provide compensation and protection for migrant workers with disabilities, especially domestic workers subject to the *kafalah* system. Noting that the voting arrangements described in paragraph 228 of the report violated the principle of voting secrecy, he enquired what steps would be taken to address that shortcoming.

29. **Mr. Rukhledev** asked whether there were State-run programmes to enable persons with disabilities, especially children, to participate in sports and to ensure access to creative, cultural and tourist activities for such persons.

30. **Mr. Ishikawa** said that he would like to know whether children with disabilities had access to inclusive education in local mainstream schools; whether children with disabilities living in rural areas had access to primary and secondary education; and whether textbooks in accessible formats, including Braille, were available in schools for blind children. He also wondered whether voting materials were available in Braille.

31. **Mr. Pyaneandee** said that he would appreciate more information on the appointment of members to the Oman Human Rights Commission, the composition and powers of the Commission and the measures that would be taken to ensure the participation of persons with disabilities in its work. Commending the State party on its achievements thus far, he invited the delegation to identify three areas in which further progress could be made in ensuring respect for the rights of persons with disabilities.

32. **Mr. Tatić** said that he would like to know what measures would be taken to reduce the comparatively high rate of illiteracy among women and girls with disabilities. He also wondered how many persons with disabilities had set up their own businesses as a result of

the incentives introduced by the Government. Lastly, he would be interested in learning more about the steps taken to ensure that cultural sites and tourist attractions were accessible to persons with disabilities.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

33. **Mr. Al Farsi** (Oman) said that the Government had made significant progress in recent years with regard to health services for persons with disabilities. Government programmes designed to identify visual and hearing impairments in children had been rolled out in schools, covering over 99 per cent of schoolchildren. A programme for the provision of free cochlear implants had been launched in 2016. Cataract screening and surgery services for adults were available free of charge throughout the country. Treatment for bone malformations detected in schools was available in four governorates and would soon be offered throughout the country. In partnership with a private company, the Government had been able to increase the availability of prostheses, and the number of doctors and other medical staff specializing in prosthetics had increased in recent years. The Government recognized the urgent need to ensure that health professionals had the skills required to meet the needs of persons with disabilities and was working with the private sector and civil society organizations to set up training programmes. The Omani Autism Association provided training for the parents of children with autism, including advice on how best to approach their children's education. The Association had also launched an innovative initiative to develop the speech abilities of children with autism by teaching them to recite verses from the Qur'an.

34. With regard to disability-related research and statistics, universities associations and the Government had begun to conduct studies on the challenges faced by persons with disabilities. For example, in 2013 a study had been conducted on the extra living costs borne by the families of children with autism. The results of the study had been disseminated to all Government ministries to help guide the formulation of policies designed to mitigate the financial and social burden such families faced. The Ministry of Education and the Ministry of Social Development provided support for the integration of children with autism into society and financial assistance for their families.

35. **Mr. Al Adawi** (Oman) said that human rights agencies, Government ministries and intellectual property organizations in Oman were currently taking stock of what would be required to enable Oman to accede to the Marrakesh Treaty, the provisions of which the Government had begun implementing in the meantime.

36. **Mr. Al Mutawa** (Oman) said that persons with disabilities seeking employment were treated the same as candidates without disabilities and were recruited on the basis of competence. A study conducted by the Ministry of Labour had revealed that difficulty in performing certain tasks in the workplace was one of the main obstacles to employment in the private sector for persons with disabilities. The Government had therefore set up programmes designed to make those tasks more disability-friendly. In addition, private companies had begun collaborating in programmes designed to provide training and employment opportunities for persons with disabilities, and the Ministry of Labour had begun providing employment counselling for persons with disabilities. Under article 17 of the Labour Code, employers were required to set aside 2 per cent of available positions within their workforce for persons with disabilities and to assist them in finding appropriate work. In addition, a certain proportion of places in vocational training centres were reserved for persons with disabilities. The Government had introduced a register of persons with disabilities seeking work and had set up a working group to assist them in their search. There had been a rise in the number of persons with disabilities in the workforce as a result of the efforts of the Committee for Training and Employing Persons with Disabilities, which had designed hiring incentives for the private sector.

37. **Ms. Asadullah** (Oman) said that the booklet published by the Council for Education on the philosophy of education in Oman was the point of reference for the formulation of all education policy. Principle No. 5 of the booklet focused on teaching human rights obligations and touched upon the specific rights of persons with disabilities. Children with disabilities could be fully or partially integrated into mainstream schools. Those who were fully integrated participated in all school activities; those who were partially integrated

were taught in special classes for children with mental and intellectual impairments. A centre at the Omar bin al-Khattab Institute for the Blind published textbooks in Braille, which were reviewed on an annual basis. Surveys were carried out on the need for Braille among the population, and the results were used to determine the number of textbooks to be produced. Oman had joined the Arab Literacy Compact, and the Government was striving to achieve full literacy, including among persons with disabilities, by 2024.

38. All teachers received training in the specific needs of children with sensory, intellectual and mental impairments at the beginning of every school year. Additional training was planned as part of the Government's ninth five-year plan. Furthermore, a joint programme between the Ministry of Education and the United Nations Children's Fund was in place to provide training for teachers in how to address the educational needs of children with disabilities who had been fully or partially integrated into mainstream schools. Only the Gulf College currently admitted persons with hearing impairments. The College did not have any sign language interpreters on staff, but the Ministry of Education provided interpreters to accompany students.

39. **Ms. Al Hadi** (Oman) said that the National Centre for Statistics and Information carried out nationwide studies and trained its staff in the gathering of data and the generation of statistics. The Centre was preparing to conduct an electronic census in 2020 that would collect information on persons with disabilities, which would then be entered into the databases of the Ministry of Social Development.

40. **Mr. Al Shabibi** (Oman) said that the Ministry of Social Development planned to transform its database on persons with disabilities into a national register. The register would include information such as the date of birth, place of residence and record of education of persons with disabilities, as well as information regarding the services used by them. The Ministry would thus be able to draw up a map that displayed the way in which services were used in different parts of the country.

41. Persons with disabilities were automatically included in all government programmes, including those related to the implementation of the 2030 Agenda for Sustainable Development. Many of the questions put by the members of the Committee pertained to the promulgation of disability-specific legislation. However, as all treaties and conventions signed by Oman acquired the force of law in domestic affairs, it was not considered necessary to pass additional legislation on matters covered by those instruments, although, on occasion, laws and regulations were adopted to enshrine certain rights in domestic law.

42. The "Understand Me" Programme, launched in 2008 to teach and encourage the use of sign language, was open to all and had become very popular. The Government had expanded the programme in cooperation with the Omani Association for Persons with Hearing Impairments, selecting participants whose performance was outstanding to pass accreditation tests with a view to employing them as sign language interpreters. The main television news programme in Oman was broadcast in sign language.

43. Persons with disabilities were eligible to stand in all elections, including elections to the Consultative Council. Support was made available in polling places to help persons with disabilities to cast their votes independently and confidentially. The Ministry of Social Development and the Ministry of the Interior had published guidelines on the services and information that election organizers must provide in polling places to facilitate voting by persons with disabilities.

44. Sporting activities for persons with disabilities were now coordinated under the newly established Ministry of Sports Affairs. The limited number of disability-friendly sports facilities remained an obstacle, but progress had been made in that regard. For example, sports clubs and cultural and social societies for hard-of-hearing persons had been established and provided with the necessary facilities to allow them to enjoy their activities fully. Many sporting programmes incorporated elements of rehabilitation, helping persons with disabilities to integrate into the community and enjoy recreational activities from an early age. The Ministry of Sports Affairs had set up a programme in the Governorate of Dakhiliyah in cooperation with the Omani Olympic Committee with a view to selecting persons with disabilities to compete in regional and international sporting competitions.

45. **Ms. Asadullah** (Oman) said that the Ministry of Education was running projects in collaboration with the private sector. One such initiative, the "My Finances, My Future" programme, set up in collaboration with the Injaz-Oman company, sought to imbue students, including those with disabilities, with the entrepreneurial and decision-making skills necessary to establish small-scale privately funded businesses. Other similar projects specifically targeted students who were hard of hearing, many of whom had found employment or established their own enterprises. In addition, Oman had been the first Arab country to launch an Outward Bound programme. Since 2009, "Outward Bound Oman" had been running camps for young people — including persons with hearing and mental disabilities — where they could learn self-reliance and were taught how to face challenges and overcome difficulties in a new environment.

46. **Mr. Al Shidhani** (Omani Association for Persons with Hearing Impairments) said that students with hearing disabilities had access to university education, both inside and outside Oman. For example, a number of students had been sent to Gallaudet University in the United States of America and an agreement had been reached for Sultan Qaboos University to integrate students with hearing impairments into its Faculty of Education. Sign language interpretation was provided not only for news broadcasts but also for other television programmes, including religious programming. Health service personnel whose duties brought them into contact with persons with disabilities received training in sign language.

47. **Mr. Al Abri** (Oman) said that the National Committee for the Care of Persons with Disabilities was made up of representatives of ministries, NGOs and organizations of persons with disabilities. A technical committee — which also included persons with disabilities and representatives of the Oman Human Rights Commission — monitored the implementation and outcome of the decisions made by the National Committee. The national media reported on all disability-related activities and programmes in Oman — whether run by government authorities, civil society groups or persons with disabilities themselves — as well as on the International Day of Persons with Disabilities and the Arab Day for Persons with Disabilities.

48. **Mr. Al Mutawa** (Oman) said that domestic workers with disabilities were protected under article 20 of the Basic Law of the State, which prohibited all forms of ill-treatment. The *kafalah* system was not recognized under the Labour Code, and relations between workers and employers were regulated exclusively by contract. The Ministry of Manpower had set up hotlines for reporting violations. Efforts were made to resolve any disputes amicably. If that was not possible, they were referred to the competent courts.

49. **Mr. Al Amri** (Oman) said that the Oman Human Rights Commission had been established by royal decree in 2008 as a mechanism to monitor the implementation of human rights instruments and standards, for the benefit of Omani citizens. The Commission was headed by a Chair and a Vice-Chair appointed by royal decree and comprised members representing the State Council, the Consultative Council, the Oman Chamber of Commerce and Industry, the General Federation of Oman Trade Unions, the legal profession and various ministries and civil society groups, including organizations of persons with disabilities. A memorandum of understanding between the Ministry of Social Development and the Oman Human Rights Commission, signed on 2 March 2015 included detailed provisions about their respective roles and duties in the implementation of the Convention on the Rights of Person with Disabilities in Oman.

50. **Mr. Al Shabibi** (Oman) said that married couples with disabilities who had no income were covered by social security and received housing support. The fundamental disability-related challenges Oman was facing remained: detection and classification, information and data, and financial resources.

51. **Mr. Al Farsi** (Oman) said that Oman was a multilingual and multicultural country in which the State actively and enthusiastically promoted arts and music. Opportunities to participate in those activities were made available to persons with disabilities.

52. **Mr. Al Kalbani** (Oman) said that his delegation had endeavoured to provide a clear and comprehensive picture of the situation of persons with disabilities in Oman. In coming years, the authorities would continue to strive to offer the best possible services to persons

with disabilities and to enact appropriate disability legislation that was fully in line with the Convention. He hoped that the next periodic report would show a qualitative improvement in the services provided by government and civil society stakeholders to persons with all types of disability.

53. **Mr. Al Rahbi** (Oman) said that he had been pleased to note that the Committee had avoided political issues in its questioning. The objective approach taken by members, and the technical questions they had raised, would help Oman to achieve what both sides were striving for: to enable persons with disabilities to fully exercise their human rights. The Government remained committed to protecting human rights, in keeping with the international instruments Oman had already adopted and those it would adopt in the future.

54. **Mr. Al Hosni** (Oman Human Rights Commission) said that he was pleased and reassured to see constant progress and improvement in the laws and services intended to benefit persons with disabilities in Oman. All Omani human rights bodies, including the Human Rights Commission, worked together to monitor progress and detect any human rights violations that might arise within government or society. The Commission had a department that could receive complaints 24 hours a day. Complaints could be submitted in person or by telephone. Outreach to the population was entrusted to working groups within the Commission and enjoyed strong support from the Ministry of Social Development. The Commission was free to intervene directly in certain cases, such as those involving the rights of children, women or persons with disabilities.

55. In its nine years of existence, the Commission had received only 17 complaints regarding disability. Of those, 11 had been related to health care, 1 to social security, 3 to suitable housing and 2 to education. All those complaints had been taken seriously and addressed promptly by the Commission's working groups, in cooperation with the Ministry of Social Development and other government departments. The Commission worked with the media to educate the public, in the conviction that increased public awareness about the programmes and services available would greatly facilitate its work in support of persons with disabilities.

56. **Mr. Basharu** (Country Rapporteur) said that consultation, participation and inclusion were at the very heart of the Convention. It was important, then, that persons with disabilities, as rights holders and citizens, should be part of a constructive discussion on how to plan their own lives. It was clear that education remained a key concern of persons with disabilities in Oman. Many children with disabilities had no access to education, especially in rural areas where parents feared that their daughters with disabilities might suffer abuse. The Government should invest a sizable amount of its budget in promoting inclusive education at all levels for children with disabilities, including deaf persons, and in teacher training. In addition, the Government should take steps to ensure that the national budget was inclusive of disability matters across all ministries, departments and agencies in order to ensure that persons with disabilities were guaranteed full access to education, employment, health services and social protection.

The meeting rose at 1.05 p.m.

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Convention on the Rights of Persons with Disabilities

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Nineteenth session

Summary record of the 371st meeting
Held at the Palais des Nations, Geneva, on Wednesday, 21 February 2018, at 3 p.m.

Chair: Ms. Degener

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the Sudan (CRPD/C/SDN/1; CRPD/C/SDN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

2. **Mr. Agame** (Sudan), introducing his country's initial report (CRPD/C/SDN/1), said that his Government placed great importance on upholding the rights of persons with disabilities. Measures taken to implement the provisions of the Convention included the establishment of the National Council for Persons with Disabilities and the adoption of the Persons with Disabilities Act of 2017 and the Children's Act of 2010.

3. In line with a directive from the Council of Ministers, conferences involving the active participation of organizations of persons with disabilities and the National Council for Persons with Disabilities had been held to discuss how to incorporate disability issues into ministerial planning. They had concluded with a general conference, held in November 2016, which had issued recommendations to the Presidency of the Republic on how to commemorate the International Day of Persons with Disabilities on 3 December 2016. Furthermore, organizations of persons with disabilities had participated in the national dialogue committees with a view to securing peace and security and had drafted recommendations concerning the rights of persons with disabilities which had been incorporated in the Government's programme of work. Several other national conferences had also been organized in an effort to implement the 2030 Agenda for Sustainable Development and to meet the targets related to disability.

4. The Sudanese legal system provided protection for the rights of persons with disabilities. The Persons with Disabilities Act, which had entered into force on 24 February 2017, was fully consistent with the Convention and was the product of wide-ranging consultations with persons with disabilities, civil society groups and experts. Provisions of the Convention had also been incorporated into other laws: some 23 pieces of legislation had been identified for amendment, 12 of which had so far been brought into line with the Convention. A human rights model of disability was applied in all relevant policies and programmes.

5. A number of State entities were responsible for monitoring the implementation of the Convention, namely the Advisory Council on Human Rights, the National Human Rights Commission, the National Council for Child Welfare, and the Unit for Combating Violence against Women and Children. Several of the bodies had mechanisms that handled complaints of human rights violations from persons with disabilities and published recommendations on disability issues. The Constitutional Court also played a vital role in ensuring compliance with the provisions of the Convention and had issued several rulings upholding the rights of persons with disabilities.

6. Numerous workshops on accessibility had been organized for public officials with the aim of creating a barrier-free society for persons with disabilities, including through the provision of modern assistive and information and communication technologies. A number of training courses for health-care professionals on the physical rehabilitation of persons with disabilities had also been organized. As part of efforts to provide assistive technology to persons with disabilities at affordable prices, the 2016 Social Security Act had been amended to facilitate access to assistive devices under the national social security system. The National Authority for Prosthetics and Orthotics also supplied prosthetic limbs and mobility devices at cost price, while the Zakat Office of the Ministry of Welfare and Social Security provided free assistive devices to persons with disabilities who lacked the necessary financial means.

7. Action had been taken to strengthen the participation of persons with disabilities in national decision-making processes and political life. Persons with disabilities, particularly women with disabilities, had been encouraged to stand in the 2015 elections and several

had been elected. Other persons with disabilities had assumed high-ranking positions, including one who had been appointed head of a legislative council.

8. While numerous obstacles and sanctions had previously hampered the implementation of national human rights programmes and restricted Sudanese citizens' enjoyment of their human rights, the Government had since adopted strict measures aimed at protecting the rights of persons with disabilities, such as the early detection of disability, the compulsory vaccination of children and the confiscation of unauthorized weapons with the potential to cause injury. It would continue to redouble its efforts in that regard in order to promote and protect the human rights of persons with disabilities and uphold its commitments under the Convention.

9. **Mr. Babu** (Country Rapporteur) said that the Sudan had made some commendable initial efforts to bring national legislation into line with the provisions of the Convention. The recent adoption of the Persons with Disabilities Act of 2017 represented a welcome step forward, although it fell short in a number of areas. It appeared not to apply explicitly to persons with psychosocial disabilities, for instance, and it failed to prohibit discrimination based on disability. The establishment of the National Council for Disabilities was another laudable initiative, but there were reports that it lacked the resources required to fulfil its mandate effectively. Such shortcomings must be addressed urgently, and a broad review and revision of other laws and policies should be undertaken. Most notably, the Civil Transactions Act of 1984 should be updated in order to repeal provisions under which certain categories of persons with disabilities were deprived of legal capacity. The opinions and wishes of persons with disabilities and their representative organizations must be taken into account when making such amendments to national legislation.

10. The Government had made noteworthy efforts to design affirmative measures for women from disadvantaged backgrounds and women with disabilities in regard to the right to work and other civil, political, economic, social and cultural rights. However, the initiatives remained confined to paper and had not yet been implemented in practice. The opinions and interests of women and girls with disabilities had also been overlooked or inadequately addressed, either as part of general national human rights policies or under specific programmes directed at promoting women's rights in general.

11. A host of positive initiatives protecting children's rights had been launched, notably the establishment of the Office of the Prosecutor for Children, the setting up of family protection units in the police force, and the drafting of article 36 of the Children's Act of 2010 which prohibited the employment of children under 14 years, including children with disabilities. However, it was of great concern that the majority of the measures, particularly the provisions contained in the Children's Act, had never been implemented and that the needs of children with disabilities had been excluded from national programmes dedicated to children's rights in general. Acts of violence and abuse against children with disabilities had also not been adequately addressed. Article 29 (1) of the Children's Act prohibited "cruel penalties" in school, but did not explicitly prohibit corporal punishment. As a result, children with disabilities continued to be subjected to physical punishments in various settings, including the home, alternative care facilities, schools and penal institutions.

12. The State party should take steps to rectify the lack of disaggregated data on persons with disabilities at the earliest possible opportunity. The forthcoming national census should incorporate the Washington Group Short Set of Questions on Disability, and efforts should be made to review the census questionnaire in consultation with persons with disabilities and their representative organizations. Steps should also be taken to ensure the participation of persons with disabilities in the process of devising a new constitution to replace the transitional constitutional arrangement established following the adoption of the Comprehensive Peace Agreement in 2005.

13. He was confident that the issues he had raised would prompt a discussion that would help to establish how the Government, civil society and development partners could work in partnership to promote the rights of persons with disabilities in the Sudan. He looked forward to a constructive dialogue on the efforts made by the State party in that regard so as

to ensure that persons with disabilities could play a full and active role in Sudanese society in the future.

Articles 1–10

14. **Mr. Tatić**, recalling that the Sudan had availed itself of the technical assistance offered by the Committee in the drafting of its new Persons with Disabilities Act, said that the delegation might comment on the experience so that the Committee could benefit from lessons learned. He would be grateful for an update on the *Al-Radi Hassan Al-Radi et al. v. the Ministry of Justice* case, and asked whether the plaintiffs had since been employed by the Ministry. He would also welcome updated information on the number and outcomes of complaints submitted in relation to disability-based discrimination, especially those concerning the denial of reasonable accommodation and intersectional discrimination against women and girls or members of different ethnic groups with disabilities. He would be interested to hear about measures taken to ensure the accessibility of safe houses and support services for women and children with disabilities who had been exposed to violence. He would also like to know about any particular measures to alleviate the increased poverty faced by women and girls with disabilities. Lastly, he would appreciate information on accessibility for wheelchair users visiting the country, including support services at the airport and the accessibility of public transport, hotels and government buildings.

15. **Mr. Alsaif**, noting that paragraph 28 of the State party report referred only to prosthetic aids, said that he would welcome additional information on reasonable accommodation. He would appreciate further details concerning the specific amendments that had been made to various pieces of legislation to bring them into line with the Convention, as well as about public awareness-raising campaigns on the Convention, how accessibility standards were enforced and whether there were penalties for non-compliance.

16. **Mr. Martin** said that he would appreciate information on any awareness-raising campaigns on the Convention, whether they were in line with the human rights-based approach, and whether organizations of persons with disabilities were involved in planning and implementing them. He would be interested to know whether persons with intellectual disabilities participated in organizations of persons with disabilities.

17. **Mr. Langvad** asked whether discrimination on the grounds of disability was prohibited and sanctioned, and whether denial of reasonable accommodation was considered a form of discrimination, under the 2017 Persons with Disabilities Act. If not, were there any plans to remedy the situation? He would be interested to hear about efforts to address intersectional discrimination, and whether there were any plans to specifically include women and girls with disabilities in general programmes, strategies and policies for women and girls.

18. **Mr. Kim** Hyung Shik said that he would be grateful for information on measures in place to monitor the implementation of various plans and legislation, including the Persons with Disabilities Act and the National Plan to Combat Violence against Women.

19. **Mr. Ishikawa** said that he would be interested to know whether any research had been conducted on the situation of women and girls with disabilities in the Sudan. Had the Convention been translated into any of the country's many local languages and was any mechanism in place to monitor the portrayal of persons with disabilities by the media and to raise awareness among media professionals? He would welcome information on efforts to promote the accessibility of information and communication technology and on how compliance with accessibility standards was ensured.

20. **Mr. Basharu** said that the delegation should comment on any plans to eliminate the use of derogatory language to describe persons with disabilities in the State party, in line with the Convention. He would welcome information on efforts to combat the intersectional discrimination and violence faced by women and girls with disabilities, particularly in conflict zones, as well as opportunities available to girls with disabilities to receive an education and economic welfare packages and not to be stereotyped on account of cultural practices and beliefs. He would be interested to know the percentage of children with disabilities in the children's parliaments and about the weight given to children's views in

decision-making. Noting that awareness-raising seemed to have largely been left to organizations of persons with disabilities and NGOs, he wondered what the Government was doing in that area, including to ensure the positive portrayal of persons with disabilities in the media.

21. **Mr. Chaker** said that he would welcome information on measures taken to protect the right to life of persons with disabilities, specifically to protect persons with albinism against death and expulsion, and to raise public awareness of such practices.

22. **Mr. Buntan** said that he would be interested to hear about measures taken by the Government to support the active participation of organizations of persons with disabilities in decision-making processes, including in the formulation, implementation and monitoring of policies and laws. He would appreciate information on any complaints filed for the violation of the rights of persons with disabilities, including disability-based discrimination. He wished to know what steps were being taken to ensure compliance with accessibility standards by public and private entities, including the imposition of penalties.

23. **Mr. You** Liang said that, while he welcomed the fact that organizations of persons with disabilities were involved to a certain extent in discussions on the implementation of the Convention, he would like to hear more about whether such participation was truly effective and whether the Government provided financial support to that end. He wished to know whether there was an effective mechanism in place for litigation, compensation and redress in cases of disability-based discrimination. He would be grateful for information on efforts to ensure that disability issues were publicized on the basis of a human rights approach rather than a charity-based model, with a focus on the potential and capabilities of persons with disabilities.

24. **Mr. Kabue** said that he would be interested to hear about the powers of the Advisory Council on Human Rights in dealing with complaints of disability-based discrimination. He would appreciate information on plans to properly institutionalize legal assistance for persons with disabilities whose rights had been violated rather than relying on voluntary arrangements entered into by the Bar Association and the National Council for Persons with Disabilities. He wished to know what efforts were being made to ensure that women with disabilities were included as part of the wider women's movement. He wondered what role organizations of persons with disabilities played in awareness-raising efforts and decision-making, and whether the Government recognized that organizations of persons with disabilities were those that were composed of and managed by persons with disabilities themselves, and not organizations that provided services to persons with disabilities.

25. **Mr. Babu** said that he would be grateful for detailed information on the action plan and timeline for bringing national legislation into line with the Convention, and how persons with disabilities would be effectively involved in that process. The registration criteria for organizations of persons with disabilities should make it clear that there was a requirement that persons with disabilities must constitute the majority of the staff, the board and the volunteers at all levels.

26. **Mr. Pyaneandee** said that he would be interested to know about the budgetary allocations for implementation of the Persons with Disabilities Act and related policies.

27. **Mr. Parra Dussan** said that he would be grateful for information on the level of participation of organizations of persons with disabilities in decision-making processes and its impact. He wished to know whether awareness-raising campaigns were based on a human rights approach, under which persons with disabilities were seen as rights holders.

28. **The Chair** said that she would like to know what was being done to tackle the problem of children with disabilities being hidden by their families and prevented from participating in social life.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

29. **Mr. Agame** (Sudan) said that statistics and other information concerning persons with disabilities were available for each of the 18 Sudanese provinces. A table showing the percentage of persons with disabilities in each province had also been produced. He

admitted, however, that more detailed and updated information was required. The higher percentage of persons with disabilities in some provinces, such as Darfur, was largely attributable to armed conflicts.

30. Penalties were prescribed for offences committed against persons with disabilities, and victims could also claim damages. The regulations were derived primarily from common law and the Islamic sharia.

31. He noted that his delegation's next speaker, Mr. Atmouri from the Ministry of Justice, was blind.

32. **Mr. Atmouri** (Sudan) said that awareness-raising programmes had been conducted in partnership with civil society organizations both before and after ratification of the Convention. They had been financed by the British organization Action on Disability and Development (ADD). Awareness-raising events had also been held in the National Assembly for both the legislative and executive branches.

33. With regard to cooperation with NGOs, there were four federations for persons with disabilities: the National Federation of Persons with Motor Disabilities; the National Federation of Blind Persons; the National Federation of Deaf Persons; and the National Federation of Persons with Intellectual Impairments. The first three were run by their members and the fourth by members' families. Their advice was sought on all State programmes, laws and regulations. Representatives of the four federations and the Secretary-General of the National Council for Persons with Disabilities had also been present when the Convention had been discussed in the Council of Ministers. They were also consulted by the committees established to discuss other relevant legislation and policies.

34. Women with disabilities were strongly represented in NGOs acting on behalf of persons with disabilities. They had also helped to formulate the National Policy on Violence against Women (2016–2031). Women with disabilities attended meetings of parliamentary committees and the committee dealing with issues relating to persons with disabilities was chaired by a visually impaired woman. Action was taken to promote their involvement in executive, legislative and policymaking bodies and in elections.

35. Persons with disabilities served as anchors or presenters of a large number of radio and television programmes that dealt with issues of relevance to persons with disabilities. Mainstream channels also had special programmes to mark the International Day of Persons with Disabilities.

36. Awareness-raising programmes had greatly assisted in combating negative stereotypes. All institutions at State level now took effective action to respond to the needs of persons with disabilities, who were also employed as staff or public officials. In addition, the welfare-based approach was being replaced by a rights-based approach.

37. With regard to accessibility, a special lift enabled persons with disabilities to move freely on arriving at the airport. Some but not all hotels had also been rendered accessible. Impediments still existed, however, in public transport vehicles and in many public buildings throughout the country. A bill on accessibility had recently been adopted by the Council of Ministers but it had not yet been endorsed by the National Assembly.

38. The services of sign language interpreters were used for some but not all television programmes.

39. The Arabic version of the Convention had been disseminated widely with the assistance of Action on Disability and Development (ADD), the Jasmar Human Security Organization and the Abrar Organization for the Development and Care of Persons with Disabilities. An audio recording had been produced for blind persons, but unfortunately it had not yet been printed in Braille. The Convention was also disseminated in the country's three main dialects.

40. **Mr. Mohamed** (Sudan) said that the 2009 Persons with Disabilities Act had been repealed because it had been drafted prior to the ratification of the Convention. In-depth consultations, primarily with persons with disabilities, had been held on the 2017 Act and the drafters had endeavoured to ensure that it closely reflected the text of the Convention.

41. The Civil Transactions Act specified the procedures whereby persons who faced impediments to their legal capacity could seek remedies throughout their lives. Hence there was no question of non-recognition of their legal capacity. On the contrary, the Act specified the procedures for safeguarding their interests and for lodging complaints.

42. The High Committee that was drafting the new constitution included persons with disabilities. The Council of Ministers was currently discussing ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

43. Five of the seven plaintiffs involved in the Constitutional Court case *Al-Radi Hassan Al-Radi et al. v. the Ministry of Justice* were now employed by the Ministry of Justice.

44. A rights-based approach was adopted in all policies, plans and programmes on behalf of persons with disabilities, who participated in their formulation in accordance with the slogan "Nothing About Us Without Us". Persons with disabilities accounted for at least 50 per cent of the members of the National Council for Persons with Disabilities, and the principle of gender parity was also respected. As already mentioned, three national federations were composed of and run solely by persons with disabilities. Other organizations offered relevant services but were not entirely composed of or run by persons with disabilities. A third category consisted of organizations that promoted their interests but were not composed of or run by persons with disabilities.

45. A total of 23 laws had been amended to align their provisions with the Convention.

46. High priority was accorded to the integration of women into all public institutions. For instance, the Unit for Combating Violence against Women and Children included a woman with a disability among its members.

47. Studies concerning discrimination against women and children with disabilities, and on procedures for raising awareness and combating such discrimination, had been undertaken by research organizations.

48. Certain building standards were applicable to all buildings, but they were not specifically designed to meet the needs of persons with disabilities. Failure to comply with existing standards amounted to a breach of the building code, which prescribed many penalties. However, violators were offered a grace period to ensure proper accessibility.

49. Measures had been taken to prevent the use of derogatory terminology in the media and in various dialects when referring to persons with disabilities. For instance, awareness-raising campaigns in local dialects had been broadcast for the purpose.

50. There had been no cases involving the protection of the rights of persons with albinism in the Sudan.

51. Federations and organizations of persons with disabilities were given access to certain premises by the Government in order to conduct awareness-raising campaigns.

52. A memorandum of understanding had been signed with the Bar Association on the provision of legal aid to persons with disabilities.

53. The 2017 Persons with Disabilities Act defined persons with disabilities as persons who were born with or who suffered a full or partial impairment of their physical, intellectual or sensory capabilities that would prevent them from fully surmounting various barriers.

54. A number of laws prescribed severe penalties for persons who abused children with disabilities. The General Department for the Family in the Ministry of Welfare and Social Security had developed a guide for families on how they should interact with children or other family members with disabilities.

55. **Mr. Agame** (Sudan) said that there was a major debate in the Sudan on whether persons with intellectual impairments should be granted the same rights as other members of society, for instance political rights, the right to control other persons and the right to drive a car. The diversity of views on the matter had impeded efforts to guarantee equal rights and duties for the persons concerned.

56. **Mr. Magzoub** (Sudan) said that article 31 of the Constitution stipulated that all persons were equal before the law and that they should not be subjected to discrimination on a range of grounds. The grounds did not include disability, but article 45 stipulated that the State should guarantee to persons with special needs the enjoyment of all rights and freedoms enshrined in the Constitution, especially respect for human dignity, access to education and employment, and full participation in society.

57. The Advisory Council on Human Rights was an interministerial body, headed by the Ministry of Justice and attached to the Office of the President, whose mandate was to issue binding legal advice to other government entities. Compliance was ensured through the assignment of legal advisers to all departments and, where necessary, through legal action. Another outcome of the restructuring of the Ministry of Justice was the expansion of the legal aid office. The public prosecution service was a separate body, but criminal cases brought by the Ministry were subject to legal aid. The concealment, abandonment or neglect of a child with disabilities by the family was a criminal offence. Training and awareness-raising efforts were under way to remove the stigma attached to disability that tended to motivate such treatment.

58. **Mr. Mohamed** (Sudan), referring to an observation by the Committee that the statistics on persons with disabilities were outdated and restricted, said that the Central Bureau of Statistics, together with a technical committee, had developed forms that would be used for the 2018 census. The National Council for Disabilities had lobbied to have a question on disability included in the forms based on the work of the Washington Group on Disability Statistics. The new forms would take into account the causes of disability and would give the authorities a more comprehensive picture of the situation of persons with disabilities in the country, including women and children.

59. **Mr. Salih** (Sudan) said that there were a number of government programmes designed to empower women, including those with disabilities. One example was the family bank, which granted loans to women.

60. **Ms. Saeed** (Sudan) said that the Sudan had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and had adopted a legal definition of the worst forms of child labour. In addition, the National Council for Child Protection had been established pursuant to the Children's Act, which was one of the most sophisticated pieces of legislation in that field in the world and took into account all the provisions of the Convention on the Rights of the Child, including the ban on corporal punishment. Homes had been set up to accommodate children with disabilities from birth, though fostering by members of the extended family was encouraged. Abuse cases could be reported to the National Council or to the children's hotline.

61. There were a number of programmes to support persons with disabilities, including grants for entrepreneurial endeavours enabling them to meet their needs and those of their families. Prosthetics were available free of charge and bespoke vehicles could be imported duty free. Efforts were made to disseminate the Convention and raise public awareness, including about the rights of women with disabilities. The Ministry of Welfare and Social Security had set up a unit to address all forms of violence against women, including those with disabilities. The Sudan had a children's parliament that was accessible for all children; its members took part in international events on a regular basis. The National Council for Persons with Disabilities was active in various forums, including government advisory bodies, and had a voice in relevant decisions.

62. **Mr. Agame** (Sudan) said that the Sudan took a holistic, human rights-based approach to disability and had begun to mainstream disability in its policies. The fact that some members of the delegation had a disability was evidence that the Sudan strived to facilitate the participation of persons with disabilities in public life.

63. **The Chair** said that she commended the diversity of the State party's delegation.

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64. **Mr. Rukhledev** said that he welcomed the State party's work on developing a sign language dictionary and a dictionary of legal terms in sign language. He wished to know

whether sign language interpretation was provided before and during judicial proceedings and, if so, what training interpreters received and how they were accredited. It would be helpful to know whether any steps were taken to provide persons with disabilities with information, in accessible formats, on what actions to take in an emergency.

65. **Mr. Tatić** said that he would appreciate information on the accessibility of the courts.

66. **Mr. Ruskus** said that the practice involving the institutionalization of individuals deemed not to be in full possession of their mental faculties, as described in paragraph 26 of the replies to the list of issues, was contrary to the Convention. Accordingly, he would appreciate the delegation's comments on how many people were committed to hospital pursuant to article 49 of the Criminal Code per year and whether there were plans to align the Code with the Convention.

67. **Mr. Kim** Hyung Shik asked what measures were in place to ensure that all the legal provisions dealing with female genital mutilation were effective deterrents. For example, had a monitoring mechanism been established?

68. **Mr. Basharu** asked what training in mobility skills was available for blind persons and whether street crossings in the State party were equipped with audible signals.

69. **Mr. Chaker** said that it was frustrating that such a shameful practice as female genital mutilation should still be an issue in 2018, despite its well-documented harmful effects. He would be very grateful for information on the prevalence of the practice in the State party.

70. **Mr. Buntan** asked what steps had been taken to make the children's hotline accessible for children with disabilities, particularly deaf children. Given the country's history of armed conflict and its role as host to thousands of refugees, he wished to know whether a comprehensive national plan or policy had been adopted, in consultation with organizations of persons with disabilities, to ensure the protection and safety of persons with disabilities, including refugees, and whether the resettlement strategy took account of accessibility requirements. Noting a discrepancy between the law and practice in terms of the legal capacity of persons with mental disabilities, he said that he would appreciate information on how the rights of those deemed by the authorities to lack mental capacity were protected, whether that protection entailed substitute decision-making or guardianship and, if so, whether the State party intended to move away from that model.

71. **Mr. Martin** asked whether families, government officials and members of the judiciary received training in supported decision-making and whether all persons with disabilities were involved in the training. It would be interesting to know what steps were taken to realize the right to independent living for all persons with disabilities, including those with intellectual disabilities, by providing services, resources and assistance in communities.

72. **Mr. Alsaif** asked what provisions governed the evacuation of persons with disabilities in the event of an emergency and whether ad hoc training was provided in that regard.

73. **Mr. Kabue** asked what steps were being taken to address the issue of legal capacity, which was not covered by the Persons with Disabilities Act. He wished to know how the State party prevented persons with psychosocial disabilities from being forcibly confined by traditional healers.

74. **Mr. Babu**, pointing out that the treatment inflicted on some persons by traditional healers could amount to torture or cruel, inhuman or degrading treatment, said that he would appreciate the delegation's comments on how allowing the practice to persist squared with the State party's own law and the Convention.

The meeting rose at 5.55 p.m.

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Nineteenth session

Summary record of the 372nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 22 February 2018, at 10 a.m.

Chair: Ms. Degener

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Initial report of the Sudan (continued)

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 *(continued)*

Initial report of the Sudan (continued) (CRPD/C/SDN/1; CRPD/C/SDN/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the Sudan took places at the Committee table.*

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2. **Mr. Mohamed** (Sudan), responding to questions put at the previous meeting, said that a voluntary aid department was responsible for managing emergency situations. National legislation on emergency and humanitarian action was being reviewed to better accommodate the needs of persons with disabilities. Such persons could be resettled after a crisis or an emergency.

3. Regarding the legal capacity of persons with disabilities, discussions were being held with a view to bringing the relevant provisions of domestic law into line with the Convention. The Code of Civil Procedure had been drafted in such a way as to afford the greatest possible protection to persons who had been deprived of their legal capacity.

4. Training on the provision of services to persons with disabilities had been organized for civil servants working in a range of fields. A pool of accredited sign language interpreters had been established, in coordination with the National Federation of Deaf Persons, to assist persons with disabilities with legal proceedings and administrative matters. There were plans to install information and communication technology in universities and courtrooms to enable remote communication with sign language interpreters.

5. Article 49 of the Criminal Code, which provided that an accused person with a mental or psychological condition could be admitted to a hospital or entrusted to the care of a guardian by order of the court, should be read in conjunction with the other relevant provisions of domestic law. In particular, it should be noted that courts were required to consult a medical expert on the mental health of the accused before taking any such steps.

6. The practice of female genital mutilation had been criminalized in four provinces where it was particularly common. Administrative measures had been taken to combat the practice and to monitor its prevalence. Awareness campaigns were being conducted, in collaboration with religious and community leaders, celebrities and athletes. The issue was also being addressed through a campaign to reduce maternal mortality.

7. Witchcraft and exorcism were prohibited by law. Most traditional healers were certified in accordance with standards drawn up by the national health authorities and were authorized to work only in certain areas. Teachers of the Qur'an had been mobilized to help tackle problems relating to traditional healing, under the supervision of the Ministry of Education.

8. Improving access to assistive devices was a priority for the Government. Personal assistance for persons with disabilities mostly remained limited to support provided by family or friends on a voluntary basis. However, an initiative had recently been launched whereby such assistance was provided by national service volunteers.

9. Assistive devices were exempt from all import, sales and production taxes. Training on the use of assistive devices was provided by rehabilitation centres. Persons with visual impairments could learn how to use a white cane and perform everyday activities such as household chores at the National Centre for the Rehabilitation of Blind Persons, which had branches in six provinces.

10. **Mr. Agame** (Sudan) said that persons with mental disabilities were protected by law. For example, the penalty for murder was reduced if the convicted person had a mental disorder. The practice of female circumcision was rooted in tradition and therefore very difficult to eliminate.

11. **Mr. Magzoub** (Sudan) said that, although some provisions of domestic law had not yet been aligned with the Convention, the Constitution established that all international and regional human rights treaties should be considered part and parcel of domestic law. As a result, the provisions of the Convention prevailed over any provisions of domestic law that were incompatible with his country's commitment to the Convention.

12. Persons with mental disabilities were entitled to inherit, own and receive property. The provisions of the Civil Transactions Act which stipulated that the court could appoint a custodian to manage the affairs of such persons were designed to assist them, protect their interests and support them in exercising their legal capacity, in accordance with article 12 (3) of the Convention.

13. Appropriate assistance was provided for persons with disabilities in all courts, including at the local level, in accordance with a recommendation made by the Advisory Council on Human Rights.

14. No persons with disabilities were ever hospitalized without their consent or that of their guardian. The hospitalization of an accused person with mental disabilities under article 49 of the Criminal Code or article 202 of the Code of Criminal Procedure could not be considered forced hospitalization because it was based on a court order.

15. It was illegal to practise medicine without authorization from the Government. Treatment by an unlicensed traditional healer was considered torture and was punishable under criminal law. In cases where certified mental health specialists believed there was some merit in traditional healing, treatment of that kind could be provided under medical supervision, subject to an informal agreement with a traditional healer.

16. The prohibition of treatment without consent under the Public Health Act applied to treatment without consent in a public health facility or by a traditional healer, as well as treatment by an unlicensed traditional healer.

17. **Mr. Agame** (Sudan) said that it was believed to be in the interest of persons with mental impairments to be assigned a guardian. Such guardians were usually court-appointed.

18. **Mr. Atmouri** (Sudan) said that, regarding mobility, the National Centre for the Rehabilitation of Blind Persons had been established decades earlier. Training had been provided to traffic police and law enforcement officers; in addition, awareness-raising campaigns, including the observance of White Cane Day, had been carried out using the mass media. The presidential committee entrusted with drafting the country's national human rights report included members with disabilities, refugees and members of displaced communities. Visits were regularly paid to camps along the borders of the Sudan and in Darfur, to ensure the provision of various social services to persons with disabilities living there. The circumstances of those with motor disabilities, in particular, were taken into account and they were given special treatment as provided by law.

19. **Ms. Saeed** (Sudan) said that sign language training was being provided and a number of sign language interpreters were employed by the media. A bill on female genital mutilation was currently being drafted. The infrastructure of the camps for displaced persons had been reviewed and adapted for persons with disabilities. Lastly, caretakers who were in contact with persons with disabilities were provided with adequate training; there was a university faculty that provided specific training in that regard.

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20. **Mr. Chaker**, commending the State party for its signing of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, as well as for its compilation, in collaboration of the United Nations Educational, Scientific and Cultural Organization (UNESCO), of a sign language dictionary, suggested that such efforts might be expanded to involve and benefit other Arab countries, perhaps by working with the League of Arab States.

21. **Mr. Alsaif** said that he would like to know what measures had been taken to integrate persons with disabilities in public schools. Statistics on the number of public

schools that had introduced integration programmes for children with disabilities would be appreciated.

22. Turning to article 27 of the Convention, he said that it would be interesting to hear whether any additional legislative measures had been taken to reduce the number of working hours for persons with disabilities. Such measures could, for instance, allow persons with disabilities to schedule regular therapy appointments at the hospital. He would also like to know whether it was compulsory under Sudanese law to provide training to persons with disabilities so that they could benefit from promotion schemes.

23. **Mr. Martin** said that it would be useful to hear what steps the State party had taken to provide persons with disabilities with public information in Braille, sign language and Easy Read formats. Easy Read, which was a way of writing that relied on everyday words and images to facilitate comprehension, was helpful for people with an intellectual disability and also for non-native speakers of a given language. In addition, he would appreciate information on the measures taken to ensure that all persons with disabilities could exercise their right to vote, including by allowing them to vote using accessible formats. Regarding article 25 of the Convention, he wished to know what was being done in the State party to improve the health outcomes of persons with intellectual disabilities and to ensure that health care was available, affordable and accessible.

24. **Mr. Buntan** said that he would like to know how the Sudan ensured that representative organizations of persons with disabilities had an important role in the monitoring of the implementation of the Convention. It would furthermore be interesting to learn what measures had been taken to empower or enable persons with disabilities with intellectual or psychosocial disabilities to represent themselves.

25. **Mr. Langvad** said that implementation of the State party's inclusive education policy appeared to be slow, and equal access to education by persons with and without disabilities seemed lacking. Further information on the State party's plans to introduce truly inclusive education with clear time frames and goals, including legislative reform, would be welcome. He would also like to know whether the Sudan was considering introducing legislation on rehabilitation in line with article 26 of the Convention.

26. **Mr. Kim** Hyung Shik, referring to article 26, said that while the State party was to be commended for its efforts in areas such as artificial limb-making, it appeared to neglect the importance of removing existing educational barriers and pushing for societal change; such disregard ran counter to the principles expressed in article 3 of the Convention. Regarding article 27, information on the number of employed and unemployed persons with disabilities would be appreciated, as would details of any measures designed to ensure the employment of such persons in the public and private sectors. Specifically, he would be interested to know whether there was a quota system or a strategy for supporting employment. Noting that the State party attached great importance to international cooperation, he said that he would welcome examples of development projects that had ensured the participation and inclusion of persons with disabilities in project planning, implementation and monitoring and that truly demonstrated tangible benefits to persons with disabilities.

27. **Mr. Rukhledev** said that he would like to know whether there were any State-run programmes that promoted sports for persons with disabilities, specifically for the deaf and for children with disabilities, or programmes that supported creative and cultural activities for persons with disabilities.

28. **Mr. Basharu** said that it would be useful to know what provision had been made to help parents with disabilities and parents of children with disabilities in their parenting duties. Regarding article 29, he would appreciate clarification on whether persons with disabilities enjoyed the right to vote by secret ballot and whether information about the electoral process was accessible to such persons.

29. **Mr. Kabue** said that the Committee understood that the deaf community in the Sudan was seeking recognition of the Sudanese Sign Language as a national language in exercise of their freedom of expression. Did the Government have any plans to provide such recognition?

30. Regarding article 23, a number of laws in the Sudan still made marriage subject to restrictions based on legal capacity; such restrictions were considered by the Committee as a violation of the rights of persons with disabilities. He would like to know, therefore, whether the Government had plans to amend those laws so that people with disabilities of all types, including psychosocial disabilities, could exercise their freedom to marry and found families.

31. While the State party's introduction of a quota system with regard to the employment of persons with disabilities was commendable, the clause "taking due account of the requirements of the job and the nature of the disability", contained in article 24 (7) of the 2007 Civil Service Act, which established the quota system, was discriminatory. He wished to know whether the State party planned to review that particular article of the Act so that persons with disabilities were not restricted to stereotypical jobs. As for international cooperation, he would like to know what efforts the State party had made to involve persons with disabilities in international cooperation programmes, as required by the Convention, by working with organizations of such persons.

32. **Mr. Tatić** said that, considering the Sudan's vast size, it would be interesting to hear what measures the State party had adopted to ensure access to education for children living in remote areas and what funding was available to carry out such measures. The volunteer services mentioned by the State party might be useful in that regard. While he appreciated that the Sudan, as a developing country, had limited resources, it was crucial to invest in children, who represented the country's future. More information on the physical accessibility of universities would be appreciated, as would details of accessibility options for tourists visiting the Sudan and the availability of relevant information.

33. **Mr. You** Liang said that the Convention's scope was not limited to human rights, but extended also to development. As a developing country, the Sudan should not neglect human, social and economic development. It was important to identify persons with disabilities, as well as their specific situation and needs. He would therefore like to know what measures had been taken or were being considered to collect and analyse data on persons with disabilities in the country and to design programmes tailored to each person in such a way that they could reap the benefits of education, economic empowerment and poverty reduction policies. In the light of the 2030 Agenda for Sustainable Development and the international community's focus on enhancing cooperation with African countries, he wished to know what steps had been taken by the State party to spur such cooperation efforts and to include disability issues in its national programme for implementation of the 2030 Agenda .

34. **Mr. Babu** (Country Rapporteur) said that the Committee lauded the Government's efforts to upgrade the Special Education Department of the Ministry of Education, which demonstrated its political will to serve the needs of persons with disabilities. Indeed, failure to ensure access to education usually meant a life of stigma and discrimination for such persons. He was concerned that despite the upgrade, the Special Education Department seemed to lack the resources needed to operate in all the country's districts and provinces. Moreover, the department appeared to operate in a silo and to be unable to coordinate strategies and budgets with other departments in the Ministry of Education; as a result, it was difficult to cull good practices from the various districts and to apply corrective measures when necessary.

35. **Mr. Pyaneandee** suggested that the State party might consider conducting a study on the socioeconomic and cultural benefits of inclusive education and using the results of such a study to raise public awareness of the issue. He noted with concern that there appeared to be a lack of oversight in many respects; he suggested that the National Human Rights Commission should be given more investigative powers to allow it to better monitor implementation of the Convention.

36. **The Chair** said that she had understood from remarks the delegation had made that it was considered appropriate in the Sudan for persons with disabilities to exercise their legal capacity through a guardian. That was certainly not a view shared by the Committee which, in its general comment No. 1, had made it abundantly clear that any form of substitute decision-making was inconsistent with the Convention. If there was to be a

paradigm shift from the medical to the human rights-based model of disability, States had to move away from substitute decision-making for adults with any kind of disability, however severe. Equal representation before the law applied also to criminal matters. All too often, persons with intellectual disabilities charged with a criminal offence were not sent to prison but held in some kind of mental health institution and thereby deprived of all the constitutional rights normally enjoyed by persons in conflict with the law.

37. Although the Sudan had robust legislation that outlawed medical experimentation and prohibited any kind of forced medical treatment, she was concerned that the law still allowed the guardian or representative of a person with a disability to make a decision regarding that person's treatment. In the Committee's view, that amounted to a violation of the Convention and the State party should consider amending the relevant legislation. Finally, she wished to know if the Government was contemplating amending the 2009 National Human Rights Commission Act with a view to guaranteeing the Commission's independence.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

38. **Mr. Mohamed** (Sudan) said that the main problem facing persons with disabilities in the Sudan, as in many other countries, was that of accessibility to services, information, products, facilities and education. The education of persons with disabilities was a priority of the national disability strategy, and the Sudan had adopted an inclusive approach in which no distinction was made between students with disabilities and others. Despite accessibility issues and shortcomings in the format of curricula, students with visual and motor disabilities were integrated into the public education system. There were also a number of specialized schools and institutes. The five-year plan (2012–2016), which had had a focus on special education, had been replaced by a new plan that focused on integration and included provision for training teachers, adapting the school environment, updating curricula and providing assistive devices. In addition, a clearly defined and well-budgeted plan had been developed with the United Nations Children's Fund (UNICEF), which he hoped would attract support from other States and United Nations agencies.

39. The issue of employment quotas for persons with disabilities was addressed in labour legislation, and laws that were not in line with the constitutional provision whereby no one could be deprived of employment on the grounds of disability had been amended. Persons with disabilities were entitled to employment and promotion purely on the basis of their merits and qualifications, on an equal footing with others. Efforts were made to ensure that persons with disabilities could access the media, and sign language interpretation was provided for television news broadcasts, as well as for other programming on subjects such as health education.

40. Different kinds of organizations of persons with disabilities existed in the Sudan. In some cases, all the members of an organization's governing board were themselves persons with disabilities. In addition to the National Federation of Blind Persons, the National Federation of Persons with Motor Disabilities and the National Federation of Deaf Persons, a fourth group representing persons with mental disabilities was being formed. The initiative had come from the families of children with mental disabilities; however, the trend was towards self-representation, and children with mental disabilities were receiving training to empower them to speak directly for themselves. Children with disabilities of all kinds, including mental disabilities, were represented in the children's parliaments.

41. The Sudan relied heavily on international cooperation and expertise in a number of different fields. In relation to disability, for example, in addition to ongoing collaboration with UNICEF and the World Health Organization (WHO), the Ministry of Labour and Administrative Reform cooperated directly with the International Labour Organization (ILO) and the Arab Labour Organization (ALO). An integrated education project was being run by the Association for Sustainable Development (ADD) in the province of Gedaref, with funding from the United States Agency for International Development (USAID) and input from organizations of persons with disabilities. A number of large-scale projects were being set up with support from the European Union and annual disability training programmes were run in association with the Japan International Cooperation Agency (JICA).

42. Persons with disabilities were very active in the field of sports and had participated successfully in competitions at both local and international level. The Sudan had recently joined the Special Olympics International and was looking forward to sending a team of young athletes with mental disabilities to the next Special Olympic World Games, due to take place in Abu Dhabi in 2019.

43. **Mr. Agame** (Sudan) said that Mr. Chaker and other members of the Committee were very welcome to visit the Sudan to witness first-hand the active role played by persons with disabilities and the facilities available to them. Despite difficulties, efforts to produce sign language dictionaries would continue.

44. **Mr. Atmouri** (Sudan) said that considerable progress had been made in the employment of persons with disabilities and, thanks to recent legislative amendments, physical capacity was no longer a hindrance to getting a job. Persons with disabilities were not allocated specific posts but had a whole host of opportunities open to them. In fact, persons with visual, hearing and motor disabilities worked as legal advisers and in other important positions within the Ministry of Justice, the Ministry of Welfare and Social Security and other ministries. In many cases they worked in areas unrelated to disability. The minimum quota of 2 per cent of public sector posts reserved for persons with disabilities had been raised to 5 per cent following recent amendments to the Civil Service Act. Persons with disabilities were also free to compete for posts outside the allocated quota. In addition, the 2017 Persons with Disabilities Act included provisions to encourage the employment of persons with disabilities in the private sector. In fact, large numbers of people with hearing, motor and other disabilities were employed in soft drinks manufacturing and in the telecommunications sector. The numbers of persons with disabilities in employment had increased across the country. Unfortunately, however, precise statistics were not available.

45. Persons with disabilities were free to participate in the political process. In recent elections, 32 candidates with disabilities — members of political parties and independents — had presented themselves for election at the national level, and 7 had been successful, including 1 woman. Persons with disabilities, including deaf persons, and sign language interpreters had been included in electoral monitoring commissions. Measures had been taken to address accessibility problems that had arisen in a number of voting centres — for example, by providing assistance to voters with visual disabilities to help them cast their ballot — and, in general, persons with disabilities of all kinds had been able to exercise their voting rights fully and transparently. Organizations and federations of disabled persons, which operated across the entire country, received technical support and funding from the Ministry of Finance, local charitable organizations and other States such as European countries and the United States. The guardians of persons with intellectual disabilities were responsible only for providing assistance. Otherwise, those persons were free to express their own views and exercise their own rights.

46. **Ms. Saeed** (Sudan) said that, under the Constitution, international treaties ratified by the Sudan, including the Convention, were an integral part of domestic law and strenuous efforts were being made to adapt legislation accordingly. Labour laws in the Sudan were applied equally to all citizens. Appointments were made on the basis of merit and no distinctions were made on any grounds, including that of disability. Moreover, everyone was entitled to sick leave and to health insurance. The 2017 Persons with Disabilities Act included provisions on habilitation and rehabilitation that reflected those contained in article 26 of the Convention. Public- and private-sector institutions and rehabilitation centres existed for the treatment of persons with all forms of disability, particularly children.

47. Under the Constitution, everyone was entitled to marry, regardless of disability. The annual national education budget included an allocation for the education of persons with disabilities. A specialized department with responsibility for schooling in rural and remote areas, and among nomadic communities, had been created within the Ministry of Education. It sought to ensure that children with disabilities in those areas also had equal access to education.

48. Appointments to posts in the public service, in education and other sectors, took place not only at the central level but also at the level of provinces and local districts,

thereby ensuring greater equality of opportunity for people living in remoter areas, including those with disabilities. The last population census in the Sudan had taken place before the separation of South Sudan. A new census was due to take place in 2018 and would incorporate information that had been omitted in previous censuses, including information about disability.

49. **Mr. Magzoub** (Sudan), responding to comments made by the Chair, said that judges in the Sudan drew inspiration from the Convention and were careful to adhere to its provisions when interpreting the law, especially in matters relating to legal capacity.

50. The National Human Rights Commission, as an organization that guaranteed respect for and the protection and promotion of human rights, was considered to play an integral role in upholding the Bill of Rights contained in the Interim National Constitution of 2005. Great importance would be placed both on the Bill of Rights and on the National Human Rights Commission in the drafting of the new Constitution. He was in charge of the recently established Department of Constitutional Affairs and Research of the Ministry of Justice, the remit of which was to prepare drafting options for the new Constitution based on a comparison of best practices regarding constitutional issues. Moreover, the Advisory Council on Human Rights was drafting a comprehensive law on human rights that would incorporate the national human rights institutions, including the Advisory Council itself, in the national institutional framework in accordance with the Paris Principles.

51. **Mr. Salih** (Sudan) said that he agreed with Mr. Chaker's suggestion that it would be useful to work on sign language dictionaries with a view to supporting other Arab countries' work in that area. He hoped that any such work could be done in cooperation with Arab countries that wished to learn from what had been achieved in the Sudan with regard to the rights of persons with disabilities.

52. The delegation would request the Ministry of Tourism to take measures to facilitate the right of persons with disabilities to participate in tourism. The Sudan had much to offer tourists, with many historical, natural and cultural attractions that should be made accessible to persons with disabilities.

53. **Mr. Mohamed** (Sudan), said that making educational centres accessible to persons with disabilities had been made a priority in the Sudan. In fact, a major conference on that topic had been held in 2017. Government meetings and international cooperation on disability-friendly construction requirements had led to the adaptation of toilets to ensure full accessibility by persons with disabilities. The implementation of inclusive education programmes by the Special Education Department of the Ministry of Education had faced a number of obstacles, such as insufficient technical capacity, but those had now been lifted. The Department, formerly isolated, had recently been granted the competence to cooperate fully with other national institutions. Furthermore, a department on accessibility was due to be established. Special education departments in six universities provided for the use of sign language, which had become an official language in the courts, universities and schools. The difficulties posed by the many vernacular sign languages used in the Sudan had been overcome through efforts to standardize terminology.

54. The compilation of statistics regarding persons with disabilities remained a challenge. For example, it was not yet possible to know what proportion of persons with disabilities had health insurance. However, work was under way to gather data and compile statistics on persons with disabilities working for government bodies. Furthermore, data gathered through censuses with regard to unemployment included information on whether individuals had disabilities. That information was then stored in a database. Reports were being drawn up on methods for gathering further data of that type.

55. Environmentally-friendly campaigns had been launched to enable persons with disabilities to participate in tourism, including a survey of tourist attractions in Khartoum, focusing on ways to increase accessibility.

56. **Mr. Agame** (Sudan) said that one of the most important issues touched upon by the Committee was that of guardianship. Only persons with disabilities under the age of 18 and persons with mental or intellectual impairments were assigned guardians, which was done with their best interests in mind. Moreover, guardians' consent was required only when

they had to sign a commitment or agree to a major medical operation on behalf of the person in their care. Persons with disabilities under the care of a guardian never received medical treatment against their will.

57. The President of the Republic of the Sudan had declared 2018 the year of disability in an effort to raise awareness of issues faced by persons with disabilities. As a result, a number of organizations, institutions and government ministries had made major commitments to tackling the challenges facing persons with disabilities in all areas of life, including health, education and employment. For example, hospitals were being encouraged to carry out further work on the early detection of disabilities among children.

58. **Mr. Babu** said that the Committee's dialogue with the delegation had been an enriching one. However, misconceptions about the definition of disability continued to abound, specifically regarding the acceptance of the fact that persons with psychosocial conditions were persons with disabilities. Studying the Committee's general comment No. 1 might help to clarify what was meant by legal capacity with regard to that issue. Such misconceptions were not confined to the Sudan, however; they resulted from the interaction between the Convention and the varying traditions, cultures and values of its States parties. Interactions such as the dialogue between the Committee and the Sudanese delegation often led to the revision of such value systems and the correction of misconceptions. The Convention had ushered in a new way of considering and appreciating human diversity without recourse to stereotypes, as had been reflected in the Committee's interaction with the Sudanese delegation. He hoped that, as a result of that interaction, the State party might reflect on its work to promote the rights of persons with disabilities and begin to work together with them in a mutually respectful and effective manner, avoiding tokenism, as part of a holistic approach to understanding the Convention.

59. **The Chair**, thanking the delegation for its openness and commitment to promoting the rights established under the Convention, said that she hoped that the coming year of disability in the Sudan would culminate in a project reviewing substitute decision-making for persons with intellectual impairments.

The meeting rose at 12.50 p.m.

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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Nineteenth session

Summary record (partial)* of the 373rd meeting
Held at the Palais des Nations, Geneva, on Thursday, 22 February 2018, at 3 p.m.

Chair: Ms. Degener

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Slovenia

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Slovenia (CRPD/C/SVN/1; CRPD/C/SVN/Q/1 and CRPD/C/SVN/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Slovenia took places at the Committee table.*

2. **Ms. Vuk** (Slovenia), highlighting developments since the submission of her country's initial report (CRPD/C/SVN/1), said that the Council for Persons with Disabilities, a tripartite, independent body headed by a representative of a disability organization, had been established in 2014 as a consultative forum on issues of disability policy and a monitoring body for implementation of the Convention. In early 2014, the Government had adopted a new Action Programme for Persons with Disabilities 2014–2021, comprising 13 fundamental objectives and 91 measures drawn up in consultation with representatives of organizations of persons with disabilities with a view to protecting, promoting and guaranteeing full and equal enjoyment of the human rights of persons with disabilities. In 2013, the National Assembly had adopted a resolution on the National Social Assistance Programme 2013–2020, which aimed, inter alia, to reduce poverty, enhance the social inclusion of the most vulnerable groups and improve the availability and accessibility of services and programmes. The resolution included specific quantitative objectives for reducing the number of adults in whole-day institutional care and preventing further institutionalization.

3. Discrimination on the basis of disability was expressly prohibited under the Protection against Discrimination Act adopted in 2016. The Act had established the Advocate of the Principle of Equality as an independent authority to deal with cases of discrimination, provide independent assistance to persons who had experienced discrimination, file lawsuits and participate in judicial proceedings. Following the recent amendments to the National Assembly Elections Act, all polling stations must now be accessible to persons with disabilities, and persons with disabilities were eligible for postal voting. In 2017, the National Assembly had adopted the Personal Assistance Act, which regulated the exercise of the right to personal assistance.

4. A number of projects had been carried out to raise public awareness, combat stereotypes, prejudice and harmful practices, and promote positive perceptions of persons with disabilities. The "We Can Do It" project had been carried out in 2014 and 2015 in cooperation with the Association of Students with Disabilities, the Urban Planning Institute and the Association of Vocational Rehabilitation Providers to promote equality and combat discrimination, raise awareness of disability issues and better inform persons with disabilities of their rights. A library had been set up for persons who were blind or partially sighted to make materials available in accessible formats. Efforts were being made in the development of accessible tourism; Premiki, a specialized travel agency for persons with disabilities, had been awarded the United Nations World Tourism Organization Ulysses Prize for Excellence in the Creation and Dissemination of Knowledge, and the Slovene capital, Ljubljana, had won the European Commission Access City Award three times for its approach to accessibility.

5. The Convention had been translated into accessible formats for persons with visual and hearing impairments and persons with intellectual disabilities, and had been published on the Ministry's website. Civil society organizations had been given the opportunity to submit comments and proposals for the drafting of the State party's initial report, which had been discussed by the Council for Persons with Disabilities prior to its adoption. Slovenia adhered to the principle of "nothing about us without us", and relevant regulations were always prepared in cooperation with persons with disabilities.

6. **Mr. Ruskus** (Country Rapporteur) said that the adoption of the Equalization of Opportunities for Persons with Disabilities Act, the Action Programme for Persons with Disabilities and the Personal Assistance Act were welcome developments. Nevertheless, persons with disabilities continued to face considerable challenges in enjoying their right to

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live on an equal basis with others in Slovenia. He was deeply concerned that the State party had not made the shift from a social protection model to a human rights model of disability and that disability policies, legislation and practice were based on a medical and charitable approach rather than on equality and non-discrimination. Legislation, policies and programmes were poorly harmonized with the Convention, and some of the definitions of disability were derogatory, pointing out the "unfitness" of persons with disabilities for regular education, independent life and work. Negative societal attitudes towards persons with disabilities persisted, and there was a lack of awareness of their capabilities and rights, especially with regard to persons with psychosocial and intellectual disabilities. The lack of understanding of the State party's obligations under the Convention — which was perhaps due to its incorrect translation into the Slovene language — was a major concern when it came to administrative and legislative decision-making at the national and municipal levels. There continued to be a parallel education system — specialized and mainstream — for children with disabilities, rather than inclusive education, and there were low expectations with regard to the capacities of children with disabilities, especially those with intellectual disabilities. Legal provisions allowed persons with psychosocial and intellectual disabilities to be deprived of their right to exercise legal capacity and did not provide for supported decision-making. The process of deinstitutionalization was very slow, and hundreds of persons with disabilities were still living in institutions.

7. As the State party was a member of the Council of Europe, he wished to draw the delegation's attention to the Committee's letter to the Committee on Bioethics of the Council of Europe on the subject of the draft Additional Protocol to the Convention on Human Rights and Biomedicine (Oviedo Convention) concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. He also wished to point out that, under article 4 of the Convention on the Rights of Persons with Disabilities, States parties had an obligation to refrain from engaging in any act or practice that was inconsistent with the Convention, including in the framework of regional organizations of which they were members.

Articles 1–10

8. **Mr. Alsaif** said that he wished to know whether persons with disabilities, through their representative organizations, were involved in the development of laws, public policies and plans of action in all sectors that affected them. He would be grateful for information on the numbers of children with disabilities benefiting from universal access to early intervention services and how those services distinguished between diseases and impairment.

9. **Mr. Lovászy** said that he would like clarification of the various categories of persons with disabilities and the financial support available to them. In particular, the delegation might comment on the financial support provided by the State to war veterans with disabilities as compared with that provided to other persons with disabilities and explain the reasoning behind any differences in status or treatment. While it was understandable that war veterans who had acquired disabilities in the line of duty should receive special recognition from the State, it must be ensured that there was no discrimination against non-veterans with the same types of disability.

10. He would welcome an explanation of the statement in paragraph 4 of the State party's replies to the list of issues (CRPD/C/SVN/Q/1/Add.1) concerning the introduction of definitions of disability derived from the human rights model. He would also be grateful for clarification of paragraph 7 of the replies, according to which a disability organization was a "society or association of societies operating in the public interest in the field of disabled care". Were there no other organizations of persons with disabilities carrying out activities related to legal aid, reasonable accommodation or awareness-raising, for example? He would like confirmation that failure to offer reasonable accommodation was considered a form of discrimination in the State party and details of the system of financial support for companies to cover the cost of reasonable accommodation in the workplace.

11. Regarding the process of deinstitutionalization, he would appreciate information on any initiatives to encourage the adoption of children with disabilities deprived of parental care and statistics on the number of children with disabilities adopted since ratification of

the Convention. He wished to know whether the State party intended to enhance the web accessibility of schools and educational institutions, and how the provisions of the European Union directive on the accessibility of the websites and mobile applications of public sector bodies would be applied.

12. **Mr. Tatić** said that he would like updated information on the funding available to ensure the effective implementation of the second Action Programme for Persons with Disabilities. It would also be interesting to learn what impact austerity measures had had on the rights of persons with disabilities. He wished to know what measures were taken to ensure the accessibility of safe houses and victim support services for women and girls with disabilities, and whether any training was provided to combat prejudice against women with psychosocial disabilities in that context. He would be interested to hear more about sanctions for failure to comply with accessibility standards, including the number of cases in which such sanctions had been applied. In the light of reports that some renovation work involved merely cosmetic improvements rather than the removal of architectural barriers, perhaps the delegation would comment on how accessibility standards were applied to the renovation of existing buildings. Lastly, he would be interested to hear how Slovenia was using European Union structural funds to ensure accessibility for persons with disabilities.

13. **Mr. Ishikawa** asked whether the State party intended to take additional measures to promote accessibility, including through the introduction of a public procurement policy.

14. **Mr. Chaker** said that he would appreciate further information about awareness-raising campaigns targeting the general public, organizations of persons with disabilities and the media and aimed at fostering a positive image of persons with disabilities.

15. **Mr. Buntan** said that he would like to know more about what had been done to ensure that disability-based discrimination was completely prohibited. Statistics on any cases of such discrimination brought before Slovene courts and information on the remedies awarded in those cases would be useful. It would also be helpful to know what steps had been taken to ensure that educational institutions adhered to the provisions of the bill on the accessibility of websites and mobile applications, particularly given the key role those establishments could play in raising public awareness of disability issues.

16. **Mr. Martin** asked whether persons with disabilities, including those with intellectual and psychosocial disabilities, had participated in the planning and implementation of national disability awareness-raising campaigns. He also asked whether the Council for Persons with Disabilities included persons with intellectual disabilities. Lastly, he would like information about the training on disability rights available for government officials tasked with implementing the provisions of the Convention in Slovenia.

17. **Mr. You** Liang, noting that the Committee had received reports indicating that some translations of disability-related terminology into the Slovene language did not reflect the spirit of the Convention, asked whether the Government intended to review those translations and make any needed corrections. He would like to know what efforts had been made to support the economic empowerment of women with disabilities and ensure their financial independence. He also wished to know what policies and measures had been adopted to protect children with disabilities against violence and ensure that they had access to high quality, inclusive education.

18. **Mr. Kabue** said that he would like information about the activities of the committee responsible for monitoring the second Action Programme for Persons with Disabilities (2014–2021) and about the impact of that committee's work. It would also be useful to know whether there was a mechanism for coordinating the work of the various ministries responsible for implementing the Convention. Lastly, he wondered to what extent women with disabilities were involved in efforts to promote gender equality and whether their specific concerns were reflected in national gender equality policies.

19. **Mr. Langvad** said that he wished to know whether there were plans to amend national legislation that defined disability from a purely medical perspective. He wondered to what extent organizations of persons with disabilities were participating in efforts to

incorporate a human rights approach to disability into domestic law and whether such organizations were able to register as organizations representing persons with disabilities.

20. **Mr. Kim** Hyung Shik asked whether the denial of reasonable accommodation was considered a form of disability-based discrimination in the State party and whether the Protection Against Discrimination Act included provisions on intersectional and multiple discrimination. Further information regarding the outcomes of the Accessible Slovenia Strategy would be welcome. It would be particularly useful to know more about the mechanisms for ensuring compliance and sanctioning violations of national building standards and accessibility requirements. He would also welcome information on any measures taken to overcome the physical obstructions and communication barriers encountered by persons with disabilities.

21. **The Chair** said she would appreciate information on whether anti-discrimination legislation expressly prohibited intersectional and multiple discrimination, particularly in respect of Roma women, refugees, and lesbian, gay, bisexual, transgender and intersex persons with disabilities.

22. **Mr. Ruskus** asked what steps had been taken to prohibit the corporal punishment of children, including those with disabilities. He also wished to know what measures were envisaged to accelerate the implementation of the Convention in the State party.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

23. **Ms. Vuk** (Slovenia) said that her Government was firmly committed to promoting a human rights model of disability and was in the process of amending legislation that continued to reflect a medical approach. All new legislation was based on a human rights approach. The Convention had been translated into Slovene language in partnership with persons with disabilities and their representative organizations and had been harmonized with other translations of the text. The Government recognized that it was not sufficient to put in place a legal framework to protect the rights of persons with disabilities; it was also essential to raise public awareness of disability issues. It had therefore carried out a number of awareness-raising campaigns. Efforts had also been made to inform persons with disabilities of their rights and of how to assert them.

24. **Mr. Uršič** (Karitas Slovenia) said that, pursuant to the 2002 Organizations of Persons with Disabilities Act, the Government must consult such organizations prior to the adoption of new national legislation. All forms of discrimination based on disability had been prohibited under national legislation, most notably the Equalization of Opportunities for Persons with Disabilities Act. While that Act did require adaptations to facilitate access for persons with disabilities, it did not expressly identify the denial of reasonable accommodation as a form of disability-based discrimination.

25. National legislation had evolved over time, and the differing definitions of and approaches to disability in existing legislation reflected that fact. A tripartite body chaired by a person with disabilities was responsible for monitoring the implementation of the Convention. With regard to awareness-raising, the Government had invited a group of students with disabilities to meet with parliamentarians and public officials to share their experiences of disability and heighten awareness of the barriers facing persons with disabilities in all areas of life.

26. **Ms. Čobal** (Slovenia), responding to the questions regarding the legal basis for preventing intersectional discrimination, said that the Protection Against Discrimination Act enacted in 2016 prohibited all forms of discrimination, including discrimination based on disability. The Office of the Advocate of the Principle of Equality would publish a report in April 2018 on the 14 discrimination cases dealt with in 2017.

27. Slovenia had achieved one of the highest rates of gender equality in the world. The principle of gender equality was respected in all legislation, measures and policies. A safe house had been established with accommodations for women with disabilities, including sign language interpreting for deaf women. Deaf women could also send a text message to the emergency number, 112. Individual services were provided for women with intellectual, psychosocial and all other types of disabilities. Women with disabilities participated in the formulation of gender-related policies and legislation. They had also been involved in

developing the National Programme for Equal Opportunities for Women and Men 2015–2020. Special attention was given to promoting employment and combating the threat of poverty among women with disabilities.

28. **Mr. Ferenc** (Slovenia) said that the police took vigorous action to address cases of violence, including sexual violence, against persons with disabilities, since they were a particularly vulnerable group. Special training was provided for the investigators who dealt with such cases, most of whom were women. The police officers who gathered preliminary information to protect women and arrest perpetrators were also, in most cases, women.

29. **Ms. Čobal** (Slovenia) said that the provisions of the Convention on the Rights of the Child had been incorporated into the Family Code. The interests of all children, regardless of their personal circumstances or other characteristics, were taken into account. The Act Amending the Prevention of Domestic Violence Act adopted in 2016 prohibited corporal punishment. Slovenia had also launched positive parenting programmes and projects, which provided training for parents and sought to eliminate corporal punishment in all cases. Slovenia was a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. As very few children were available for adoption in Slovenia, some children, including children with disabilities, were adopted pursuant to a cooperation agreement with Bulgaria and the Czech Republic.

30. **Ms. Vuk** (Slovenia) added that, of 40 recently adopted children, between 20 and 30 had been adopted from abroad and a few had been children with disabilities.

31. **Ms. Sarajlić** (Slovenia) said that in 2016 the Organization and Financing of Education Act had been amended to include an article guaranteeing a safe and stimulating learning environment in kindergartens and other educational establishments for children and adolescents with special needs. It prohibited corporal punishment and any form of violence based on sexual orientation, cultural origin, religion, ethnicity or other grounds. Training courses for staff, including seminars on violence prevention, were based on projects financed by the European Social Fund and supported by the National Education Institute.

32. **Ms. Čobal** (Slovenia) said that Slovenia had one of the lowest neonatal mortality rates in the world, thanks to the support provided for family planning and during pregnancy and delivery. As regular medical examinations were conducted by paediatricians up to the eighteenth month after birth and nurses regularly visited infants' homes, any developmental irregularities were identified at an early stage. Older children also received regular check-ups. When irregularities were detected, the children were referred to outpatient units that had been established throughout the country; 100 per cent of children had access to early interventions. With a view to improving the standard of care provided, the Integrated Early Treatment of Preschool Children with Special Needs Act had been enacted in 2017. The Act provided for comprehensive treatment and a further expansion of the treatment network with effect from 2019.

33. **Ms. Šoln Vrbinc** (Slovenia) said that all children entering kindergarten were screened by a placement committee, and those who were identified as having special needs received appropriate accommodations and assistance. According to recent data concerning children with disabilities, 9.4 per cent had intellectual impairments, 11.4 per cent were blind or had visual impairments, 41.6 per cent were deaf or had hearing and/or speech impairments, 8.4 per cent had physical impairments, 3.2 per cent had emotional or behavioural disorders, 9 per cent had long-term illnesses and 26 per cent had multiple disabilities. The Integrated Early Treatment of Preschool Children with Special Needs Act provided for intersectional treatment by a team of experts from various fields, overseen by a coordinator who would serve as a liaison with parents and forge links with kindergartens and social care services. Individualized plans would be prepared for the families concerned, and parents would be supported by an NGO representative who had experienced a similar situation.

34. Children were also entitled, pursuant to the Placement of Children with Special Needs Act, to receive additional expert assistance or a tailor-made programme. Most children attended mainstream kindergartens or schools; only a small proportion, particularly

children who had intellectual impairments or required comprehensive care, were placed in specialized establishments for children with special needs.

35. **Ms. Vuk** (Slovenia) said that the "We Can Do It" awareness-raising project had helped decision makers to develop an effective approach to accessibility. Organizations of persons with disabilities had also participated in other awareness-raising projects run by the Government, in line with the principle of "nothing about us without us". The department of the Ministry of Labour, Family, Social Affairs and Equal Opportunities that was responsible for disability issues was tasked with coordinating relevant legislation and action to meet reporting obligations under the Convention. Ministries conferred with each other before the adoption of any legislation in order to delete any provisions that contravened the Convention. The Council for Persons with Disabilities, which monitored the implementation of the Convention, had been allocated funds under the current budget and was provided with technical and administrative support by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

36. **Ms. Močnik** (Slovenia) said that kindergartens and other educational establishments would not be required to comply with the provisions of the bill on the accessibility of websites and mobile applications, which was soon to be adopted, because it would impose a disproportionate burden on educational personnel. All data regarding the administrative functions of such establishments were accessible on the eGovernment portal, which complied with the applicable accessibility standards. One aim of the new law would be to raise awareness and provide training, in cooperation with organizations of persons with disabilities, for website and mobile application providers. The website of the Municipality of Ljubljana, the website and portal of the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the portal of the Financial Administration of the Republic of Slovenia were already accessible. With regard to public procurement, accessibility was a precondition for the rental of business premises. Provision had also been made for inspections and the imposition of sanctions.

37. **Ms. Koc** (Slovenia) said that a new construction law would enter into force on 1 June 2018, replacing the previous Construction Act, which had focused on public facilities. The new law would also be applicable to residential buildings and would require the removal of access barriers. The Construction Inspection Service would oversee compliance with the legislation. According to the Service's report for 2015, a total of 222 buildings had been inspected during the design or construction phase or immediately after their entry into service. Sanctions had been imposed for anomalies in about 50 facilities, which had been ordered to remedy the defects. The buildings had been inspected again in 2017 and all had been found to have eliminated barriers identified.

38. **Mr. Drašler** (Slovenia), responding to the question concerning the use of European structural funds, said that European transport policy focused on sustainability and mobility. All Slovene municipalities were required to participate in European Mobility Week, which was supported by the European Development Fund. Enhancing accessibility was one of its basic goals. The park-and-ride system was supported in all municipalities. Public tenders were published to finance sustainable mobility projects.

39. **Mr. Uršič** (Karitas Slovenia) said that national television and radio stations were required to ensure the accessibility of their main broadcasts, either by means of subtitles or though sign language interpreters. Their websites also complied with accessibility standards for persons with visual and hearing impairments. The sites contained archives of broadcasts of relevance to persons with disabilities. Sign language interpretation was provided for all Government press conferences and for debates between candidates during election campaigns.

40. As mentioned earlier, Ljubljana had won several European accessibility prizes. Under a project designed to assess urban friendliness to people with disabilities, municipalities had been analysed with the cooperation of persons with disabilities and public officials. Strategies and action plans had then been drawn up and had been adopted by municipal councils. Actions taken to improve accessibility included the construction of disability-friendly parking lots and walkways and the installation of audible signals at pedestrian crossings. More than 20 municipalities had participated in the project.

41. The Ministry of Labour, Family, Social Affairs and Equal Opportunities had launched the European Union Disability Card, which enabled persons with disabilities, regardless of nationality, to enjoy rights and benefits such as access to museums and cultural events and public transport discounts. Slovenia had been one of the first European Union countries to join the Disability Card initiative and more than 1,000 cards had already been issued.

42. Every effort was made to ensure that funds allocated to activities for the benefit of persons with disabilities were not affected by the budget cuts introduced during the economic and financial crisis. However, there had been some slight cutbacks in certain allowances. On the other hand, allowances for persons with intellectual disabilities had increased. War veterans with disabilities were accorded differential treatment pursuant to legislation that had been adopted some years earlier; however, under the current rights-based approach, support was provided without discrimination to persons with disabilities on the basis of their particular needs.

43. **Mr. Drašler** (Slovenia) said that the Equalization of Opportunities for Persons with Disabilities Act addressed the accessibility of bus and train transport. As raising the funds required to render rail transport fully accessible presented quite a challenge, the deadline had been set at December 2025. As less investment was required for bus transport accessibility, the deadline was December 2020.

44. **Ms. Velić** (Slovenia) said that the Human Rights Ombudsman Act had been amended in 2017 to provide for the establishment of a council for human rights which would be tasked with raising awareness of human rights, including those of persons with disabilities. Members of organizations of persons with disabilities would be represented in the council.

45. **Ms. Vuk** (Slovenia) said that a fund had been established to assist companies in covering the costs of reasonable accommodation. The Government planned to conduct an awareness-raising campaign during the current year in order to encourage employers to recruit more persons with disabilities. There was a special procedure for guaranteeing the representation of organizations of persons with disabilities. Nineteen organizations were recognized and participated in monitoring the enforcement of disability rights and in training programmes in the education, justice and public administration sectors.

Articles 11–20

46. **Mr. Rukhledev** said he would like information about the status of sign language in Slovene legislation, specifically in connection with the principle of access to justice. He would also like to know whether deaf persons were entitled to the services of sign language interpreters during investigations, court cases and police questioning.

47. **Mr. Chaker** asked whether coordination mechanisms existed in the risk prevention system and among organizations of persons with disabilities for emergency situations, such as earthquakes. He also wished to know whether shelters and assistive devices were available for persons with disabilities during risk and emergency situations, and whether information on disasters was available in accessible formats.

48. **Mr. Buntan** said that he was not convinced that requiring compliance with the forthcoming legislation on accessibility of websites and mobile applications would impose a disproportionate burden on educational establishments, since they were already responsible for providing accessible information in the area of education. Given the crucial role played by web accessibility and mobile applications in education, he doubted whether plans to promote inclusive education would be successful if schools failed to meet accessibility standards.

49. Noting that the State party considered that guardianship no longer entailed the removal of legal capacity, he enquired about steps to move from substitute to supported decision-making in order to ensure that the legal capacity of persons with disabilities was protected and remained unrestricted. He commended the measures taken to afford protection in situations of risk and emergency and ensure the access of deaf persons to emergency number 112. He would welcome information about the State party's progress in

implementing a comprehensive plan for disaster risk reduction in line with the Sendai Framework for Disaster Risk Reduction. He would also like to know to what extent persons with disabilities and their representative organizations had been involved in the planning and implementation of the disaster risk reduction activities.

50. **Mr. Langvad** asked what strategies the State party had adopted for developing indicators and collecting information on the deinstitutionalization of persons with disabilities. He would also like to hear about the State's strategies and timetable for deinstitutionalization and for ensuring that persons with disabilities had access to appropriate and affordable housing and community support.

51. **Mr. Martin** asked whether training in supported decision-making was provided for families and professionals. He also wished to know whether persons with disabilities were sterilized without their consent in Slovenia and, if so, what action was being taken by the State party to prevent forced sterilization. In addition, he would like information about measures to protect persons with disabilities living in institutions, especially from abusive practices and medical treatment without their consent.

52. **Mr. Alsaif** requested an update on the number of complaints filed concerning torture, violence or abuse perpetrated against persons with disabilities and their outcomes.

53. **Mr. Lovászy** asked whether the delegation could provide statistics on the number and percentage of persons with disabilities who could be reached by emergency services in an accessible manner. He wondered whether the Civil Protection and Disaster Relief Administration regularly consulted organizations of persons with disabilities when updating its protocols and manuals. He was also curious to know how the infrared transmitter units installed in courts were used by persons wearing different kinds of hearing aids, whether the technology was based on a standardized platform and whether other options were available for persons with hearing impairments. Noting that the national preventive mechanism reportedly monitored the living conditions of persons in social care institutions, he asked whether the mechanism was financed in a manner that guaranteed its independence from the Government and whether any NGOs were involved in its activities. Lastly, he wondered whether the Committee's general comment No. 2 on accessibility had been translated into the Slovene language and whether the advice therein would be used to enhance accessibility in the justice system.

54. **Mr. You** Liang asked whether the Council for Persons with Disabilities included persons with disabilities among its members. He also enquired what concrete measures, including financial allocations, had been taken to encourage scientific and innovative research on assistive devices that could improve quality of life for persons with disabilities.

55. **Mr. Tatić** said that he would like to know how the State party ensured that the lottery funds that were used to finance the assistance offered by organizations of persons with disabilities were administered in a manner that guaranteed non-interference by the State. He would welcome updated information on how Constitutional Court Decision No. U-I-146/07 on the accessibility of courts was being implemented in practice. It would also be useful to know the amount of budgetary funds allocated for the planned accessibility improvements in 2018 and the number of courts that would be rendered more accessible. In addition, he would be interested in hearing how European Union structural funds had been used to finance support services for independent living, especially personal assistance, and how the State party ensured that the funds were not invested in maintaining existing institutions. In that connection, he wondered whether the Committee's general comment No. 5 on the right to independent living had been translated into the Slovene language.

56. **Mr. Pyaneandee** asked how the State party proposed to implement the concept of procedural and age-appropriate accommodation in order to empower persons with disabilities to participate in the justice system, including as judges and lawyers. He also wished to know how many persons with disabilities participated in the system and what action was being taken to eliminate cumbersome procedures. He commended the research undertaken on women with disabilities who had been subjected to violence. However, the research had not addressed the issue of violence or abuse perpetrated against women, especially women with psychosocial disabilities, who lived in institutions. He wondered whether there were any plans for research on that subject.

57. **The Chair** noted that the Family Code that had been adopted in 2017 and would enter into force on 1 January 2019 replaced the previous system of prolonged parental rights with guardianship for persons with intellectual and psychosocial disabilities. She would like to know what measures would be taken to put in place a supported decision-making regime in line with the Convention and the Committee's general comment No. 1. She would also like to know whether Slovenia supported the draft Additional Protocol to the Convention on Human Rights and Biomedicine concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. If so, would the State party consider withdrawing its support, since the draft contravened article 14 of the Convention?

58. **Mr. Ruskus**, referring to the concluding observations of the Committee against Torture on the State party's third periodic report to that body (CAT/C/SVN/CO/3), said that he was concerned about the practice of involuntary restraint and treatment of persons with psychosocial disabilities in psychiatric institutions and the lack of independent monitoring bodies to ensure the proper implementation of safeguards. The Committee against Torture had also expressed concern about unacceptable use of electroconvulsive therapy in psychiatric hospitals. He would welcome a comment from the delegation in that regard. He would also like to hear the delegation's response to information provided by the Human Rights Ombudsman on the involuntary treatment of persons with psychosocial disabilities in social and mental care institutions and their placement in secure wards without their consent. Noting with concern that the Mental Health Act allowed for involuntary internment and treatment of persons with psychosocial disabilities, he asked what progress had been made in ensuring that a rights-based approach was adopted with respect to the liberty and security of persons with psychosocial disabilities in Slovenia.

The discussion covered in the summary record ended at 5.35 p.m.

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Nineteenth session

Summary record of the 374th meeting
Held at the Palais des Nations, Geneva, on Friday, 23 February 2018, at 10 a.m.

Chair: Mr. Tatić (Vice-Chair)

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In the absence of Ms. Degener, Mr. Tatić, Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Slovenia (*continued*) (CRPD/C/SVN/1; CRPD/C/SVN/Q/1 and CRPD/C/SVN/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Slovenia took places at the Committee table.*

Articles 11–20

2. **Ms. Vuk** (Slovenia), responding to questions put at the previous meeting, said that the Council for Persons with Disabilities, an independent tripartite body, was competent to review all legislation related to persons with disabilities and also monitored implementation of the Convention. It was composed of seven representatives of the Government, seven representatives of disability institutions and seven representatives of organizations of persons with disabilities. As of 2018, the Council had been allocated its own budget within the Ministry of Labour, Family, Social Affairs and Equal Opportunities and could avail itself of expert administrative and technical assistance.

3. The governing body of the Foundation for the Financing of Disability and Humanitarian Organizations comprised 10 representatives of disability organizations, 10 representatives of humanitarian organizations and just 3 government representatives, thus ensuring that the Government had no undue influence on the Foundation's activities. The Foundation was responsible for deciding how funds were distributed to disability and humanitarian organizations: two thirds of the funds were earmarked for disability operations and one third for the operation of humanitarian organizations; the remaining 3 per cent covered the Foundation's operating costs. The Foundation provided an important additional source of funding for all the programmes carried out by disability organizations.

4. **Mr. Uršič** (Karitas Slovenia) said that measures of protection against natural disasters took account of the specific needs of persons with disabilities. The Civil Protection and Disaster Relief Administration made materials available in accessible formats for persons with visual or hearing impairments, and it was possible to make emergency calls in Braille and sign language. In addition, drills that made provision for the needs of persons with disabilities were carried out annually.

5. **Ms. Koc** (Slovenia) said that public facilities were required to allow safe and accessible entry and exit to all persons, including those with disabilities. In the event of an emergency, deaf people had the option of receiving assistance via text message from the public emergency centre. In addition, a dedicated call centre for deaf and hard-of-hearing persons was operational 24 hours a day, seven days a week.

6. **Ms. Močnik** (Slovenia) said that the Act Amending the Electronic Communications Act, adopted in 2017, had made it a requirement for all new vehicle models to be equipped with eCall technology; it had also introduced public mobile alerts via text message, making it simpler and faster to alert deaf and hard-of-hearing people to dangerous situations. The technological solutions developed by Slovenia to make emergency calls in text form had received recognition at the European level.

7. **Mr. Ferenc** (Slovenia) said that the right of deaf persons to sign language interpretation, in accordance with the Use of Slovenian Sign Language Act, was consistently observed by the police. In addition to making electronically available a list of sign language interpreters for police officers, the Government had concluded agreements with a number of individual interpreters to ensure coverage in all parts of Slovenia. The Police Academy cooperated with the Association of Slovene Sign Language Interpreters to provide training on the specific characteristics and needs of persons with disabilities. Furthermore, the website of the police administration featured short clips on safety and security in Slovenian Sign Language; thus far, 27 such clips, made together with the Slovenian Association of the Deaf and Hard of Hearing, had been posted to the website.

8. **Ms. Velič** (Slovenia) said that in 2017 all judges and other court personnel had begun receiving training on how to deal appropriately with persons with special needs. Rules regarding proceedings had also been amended in 2017; summons to court now included a provision that stated that all persons with disabilities had the right to equal participation in court proceedings and that persons wishing to exercise that right should duly inform the court prior to their hearing to allow the court to accommodate their needs. Court websites also featured video clips in sign language that presented all the rights enjoyed by persons with disabilities.

9. With regard to Constitutional Court Decision No. U-I-146/07, the Civil Procedure Act had been superseded by the Equalization of Opportunities for Persons with Disabilities Act, which allowed all persons with disabilities, including those with visual impairments, full access to the court system. Some 250,000 euros had been earmarked in 2018 for making the necessary adjustments to Slovene courts to accommodate those with physical disabilities. Infrared transmission units, designed to enable hard-of-hearing persons to follow court proceedings, were expected to be available in 16 courts as from May 2018; the initiative had been coordinated together with the Association of the Deaf and Hard of Hearing, whose representatives had inspected and approved the conference facilities already equipped with the system. The system was digital and standardized, and Association representatives had confirmed that it was appropriate. The system of induction loop and closed captions was not yet available, but would hopefully be so in the near future.

10. **Ms. Vuk** (Slovenia) said it was important to note that even though not all courts were adequately equipped, persons with disabilities simply had to inform the courts of their requirements; the court concerned would adapt its facilities and services accordingly.

11. **Ms. Velič** (Slovenia) said that 17 persons with disabilities were employed as prosecutors and 128 were employed as court personnel, including judges.

12. **Ms. Močnik** (Slovenia) said that the Ministry of Education was taking steps to promote compliance by schools with accessibility principles on their websites, in line with the new law on the accessibility of websites and mobile applications. The Government was encouraging all providers of web content to comply with accessibility principles. As part of those efforts, it had set up groups with representatives from all stakeholder communities operating in the areas of e-commerce and other sectors of digital society. One example was the Slovenian Digital Coalition, an open forum of equal partners and stakeholders discussing relevant issues.

13. **Ms. Šoln Vrbinc** (Slovenia) said that teachers often posted additional school materials and other information on school websites. Moreover, all children with special needs were provided with adapted materials and lessons by their teachers. Parents with disabilities were also given specially adapted information, and sign language interpretation was provided for parent-teacher meetings.

14. **Ms. Boškič** (Slovenia) said that courts, when assigning a guardian, explicitly set out the areas for which the guardian was responsible; thus, it was not a blanket assignment of powers. Rather, guardianship was intended to be a support mechanism. The legislature had adopted, in 2017, a Family Code under which parental rights had been extended and, more importantly, the deprivation of legal capacity of persons with psychosocial disabilities had been abolished. The Code would take effect in 2019. Furthermore, in order to avoid conflicts of interest, some limitations had been introduced as to who could be appointed as a guardian. A series of protection mechanisms had been put in place: since 2005, for instance, a child advocate was designated in the context of any guardianship proceedings, whether or not the child involved had a disability, in line with the Convention on the Rights of the Child.

15. **Mr. Uršič** (Karitas Slovenia) said that a number of NGOs were active in raising awareness about intellectual disabilities and in helping persons with such disabilities defend their rights.

16. **Ms. Vuk** (Slovenia) said that institutionalization had long been a challenging issue for Slovenia. The Government was strongly committed to deinstitutionalization and had earmarked some of the funds it received from the European Union to achieve

deinstitutionalization. In addition, it had adopted a resolution on the establishment of a social protection system, one of the goals of which was deinstitutionalization. However, it was important to put in place the necessary assistance services to allow persons who were deinstitutionalized to live autonomously and with dignity.

17. **Ms. Lovšin** (Slovenia) said that, since 2004, the Government had striven to reduce the number of people living in institutions and to increase the number of people receiving services at home or in a community. In 2004, one of the largest institutions had released 640 residents; 210 of those had been transferred to smaller living units or communities. In the past five years, 21 new living units had opened — a trend that was expected to continue. In the social protection system resolution, the Government had set a goal to achieve the ratio of one institutionalized person to one deinstitutionalized person. When the resolution had first been drafted, the ratio had been 2 to 1; by 2016, it had been reduced to 1.3 to 1.

18. New legislation on the provision of services to people with disabilities living at home or in communities had recently been adopted and, over the past three years, the number of people receiving such services had increased from 6,500 to 7,400. The Government had taken a systemic approach to deinstitutionalization; it had involved all stakeholders from the start and had prepared a wide-ranging analysis of needs and of ways to use European Union structural funds to cover those needs. Most of the deinstitutionalization exercise, including the building of additional housing, had been financed from such funds, which had amounted to €26 million. Units for an additional 1,100 people were currently being built. Four of those units were part of a pilot project being run by local communities, which the Government hoped to involve more extensively. Around €16 million would be used for projects aimed at giving people the option of staying in their homes and living autonomously, including through the development of information and communications technology. Some 10 million euros would be allocated to a special project to develop long-term care; a portion of those monies would be spent on awareness-raising.

19. **Mr. Uršič** (Karitas Slovenia) said that it was important to note that, while the figures mentioned might seem small, Slovenia was quite a small country, with just 2 million inhabitants. It was seriously committed to deinstitutionalization and to allowing persons with disabilities to live autonomously at home or in communities. Personal assistance services had been available for some 10 years now, and were always financed through public tenders and from the national budget. There were some 30 organizations offering personal assistance services, most of them organizations of persons with disabilities. The Personal Assistance Act adopted in 2017 provided for at least 30 hours of personal assistance per week for any person with disabilities. Round-the-clock services were also available to persons in need of such assistance. Personal assistance was considered a basic human right and, as such, was not based on beneficiaries' income levels and would be financed directly from the national budget, as from 1 January 2019.

20. **Ms. Vuk** (Slovenia) said that European Union funds had been used to develop and set up the services needed to achieve the goals of deinstitutionalization, long-term care and personal assistance. The services themselves would be funded from the national budget as from 2019. The national budget also helped to finance organizations of persons with disabilities and other NGOs that supported persons who wished to live autonomously at home or in communities. Up to 50 per cent of assistance at home was financed by local communities. In addition, every person in need of personal assistance for basic daily tasks had the right to receive an assistance allowance to cover related services.

21. The involuntary placement of a person in a mental health institution could only be ordered by the courts and only for a maximum period of one year. Any extension of that period also had to be decided by the courts. As with any preventive restriction of freedom, involuntary placement was closely monitored by the Ombudsman and other human rights actors, who made unannounced visits to places of deprivation of liberty. Secure wards for mental health patients were supervised by specialized staff, not by security guards. To solve the problem of overcrowding in the wards, the Government was seeking not to make them bigger, but to tackle the underlying causes of the problem and explore the possibility of more care in the community. At the end of 2017, the Government had approved a mental

health bill, which was currently before parliament and was expected to pass into law in April 2018.

22. **Ms. Ćobal** (Slovenia) said that the Mental Health Act explicitly prohibited sterilization or involuntary termination of pregnancy on grounds of mental disability. Involuntary placement or treatment in a mental health institution was only used for persons who posed a danger to themselves or others. Even then, it was only used as a last resort. The new mental health bill would shift the legal focus from institutionalization to prevention and treatment in the community. Once it had passed, the already low numbers of persons subjected to involuntary placement would be further reduced.

23. **Ms. Vuk** (Slovenia) said that the campaign "Vesna — To Live a Life Free of Violence", which had run from 2014 to 2015, had focused on violence against women, including particularly vulnerable women such as those with disabilities. As part of the same project, law enforcement officials and health and social workers had received training in detecting, preventing and reacting to violence against women.

24. **Ms. Lovšin** (Slovenia) said that Slovenia had a policy of zero tolerance towards violence or abuse against women with disabilities in institutions. The Ministry of Labour, Family, Social Affairs and Equal Opportunities had invested heavily to that end, training staff in prevention techniques and educating women in institutions to make them aware of the procedures open to them, which included both internal and external complaints mechanisms. All decisions made in respect of a complaint could be appealed.

25. **Ms. Vuk** (Slovenia) said that the Government believed that the best way to combat violence was through empowerment and awareness-raising. Without it, victims themselves might not recognize that they had been exposed to violence. With regard to research and development relating to assistive technology, the Jožef Stefan Institute and the University Rehabilitation Institute were developing technical aids, robotics, assistive devices, remote services and smart housing for persons with disabilities with a view to enabling them to live and work independently. The legal obligation for all new buildings, including private housing, to comply with accessibility standards was rigorously enforced by building inspectors.

26. **Mr. Uršič** (Karitas Slovenia) said that the Ministry of Culture provided funding to the Association of the Deaf and Hard of Hearing to promote the development of Slovenian Sign Language. It also funded the development of texts in Easy Read formats intended for persons with cognitive disabilities.

27. **Ms. Vuk** (Slovenia) said that medical aids for persons with sensory disabilities were covered by health insurance, while technical aids for persons with physical disabilities, such as adapted motor vehicles, were available via a voucher system. Assistance dogs were provided, not only for persons with visual impairments, but also to those with other disabilities. Slovenian Sign Language was recognized as an official language of the Republic of Slovenia and was celebrated and promoted each year on Slovenian Sign Language Day.

28. **Mr. Uršič** (Slovenia) said that Slovenia had been one of the first 25 countries in the world to enact specific legislation on the use of sign language, which the State recognized as the natural language of deaf persons. They had the right to use sign language when interacting with the public administration in any way, including in schools, police stations and the courts, as well as in shops and banks. Each deaf person could use the services of a publically funded and officially certified sign language interpreter for 30 hours per year — or up to 100 hours per year in the case of students who were deaf. About 1,000 deaf persons had availed themselves of those services.

29. **Ms. Močnik** (Slovenia) said that the forthcoming legislation on accessibility of public sector websites and mobile applications included provision for sign language interpretation, in order to ensure that deaf persons could access such information on an equal basis with others.

30. **Mr. Drašler** (Slovenia) said that, in 2017, the Ministry of Infrastructure and Spatial Planning had launched a nationwide sustainable mobility project for vulnerable groups, including persons with mental or physical disabilities, with the intention of facilitating their

access to public rail and road transport. The project made use of technology such as the Global Positioning System (GPS), speech recognition software and screen readers.

31. **Ms. Vuk** (Slovenia) said that currently only informal translations of the Committee's general comments were available. Steps to produce an official translation in the Slovene language would be taken shortly.

Articles 21–33

32. **Mr. Martin** said that he wished to know whether young people with intellectual disabilities were informed of the options available to them upon leaving school and who decided when they should leave. Were persons with disabilities, particularly those in institutions, able to access health services on an equal basis with non-disabled persons? With reference to persons with intellectual disabilities who lived in housing units, he wondered how many persons lived together in each unit and whether they were able to choose whom they lived with.

33. He understood that persons with intellectual disabilities often found it difficult to obtain paid employment in Slovenia and wished to know what plans were envisaged to address that situation, including by raising awareness among employers. He had been pleased to learn that sign language was used during election broadcasts and wished to know if all persons with disabilities, including those with intellectual disabilities, had the right to vote. Was information about where and how to vote made available in formats accessible to citizens with intellectual disabilities?

34. **Mr. Buntan** said that he wished to commend the authorities for their legislative initiative on the accessibility of websites and mobile applications. However, he remained concerned that not enough effort had been made to promote inclusive education by making such provisions obligatory in educational institutions. He would like clarification of whether sign language was legally recognized as an official language of Slovenia. While the Government's commitment to provide sign language interpretation was admirable, 30 hours per year of access to a publically funded sign language interpreter seemed far too little. He hoped the delegation could provide more information about an independent monitoring mechanism and how long it was expected to take to put it into place.

35. **Mr. Alsaif** said that he would appreciate more details about any measures to prevent children with disabilities being separated from their families and placed in institutions. He would also like to know what support was available for families of children with disabilities. In addition, he would welcome information about plans for the implementation of the 2030 Agenda for Sustainable Development that also took account of the rights of persons with disabilities.

36. **Mr. Kim** Hyung Shik, noting that the focus of the Convention was on open, competitive and inclusive job opportunities, said that he was concerned by the fact that around 3,300 persons with disabilities were apparently employed in sheltered workshops across Slovenia, where they earned only about €20 per month. Moreover, the number of such workshops appeared to be increasing. Recent research had shown that around 25 per cent of persons in the sheltered workshops had the knowledge and skills required to work on the regular labour market. Were the authorities aware of that problem and how did they intend to address it?

37. He hoped that the delegation could throw some light on the fiscal position of workers with disabilities. Since they had to pay taxes, not only on their wages but also on any disability benefits they received, they earned less than retired persons in some cases. That was a powerful disincentive for them to seek employment. He understood that the National Council of Disabled People's Organizations of Slovenia had encountered difficulties in securing legal status as a corporate body and was consequently unable to access European Union funding. He would like to know whether the authorities intended to intervene to resolve that situation.

38. **Mr. Chaker** said that he wished to commend the State party for ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. He hoped the delegation could inform the

Committee about any measures envisaged to ensure that services related to culture, sport and tourism were accessible also to persons with disabilities. For example, were classic films available in formats that made them accessible to persons with visual impairments?

39. **Mr. Ishikawa**, noting that assistive technologies, such as screen readers, Braille displays and note-takers, and other technologies for persons who were blind or had visual impairments were usually very expensive, asked whether persons with disabilities in Slovenia could benefit from Government subsidies to help them purchase such devices.

40. **Mr. Rukhledev** said that he would appreciate information regarding whether the State party's framework for the promotion of inclusive education included training for teachers and other educational staff and specialists who worked with persons with disabilities. If so, he wondered whether that training involved the teaching of sign language interpretation. He also wished to know whether teachers and trainers from within the community of persons with disabilities were able and were encouraged to teach children with disabilities.

41. **Mr. Parra Dussan** said that it would be interesting to know in what circumstances persons with disabilities were sent to special education facilities. Could the delegation provide some figures on the proportion of persons in special education? In addition, he would appreciate further information on higher education opportunities for persons with disabilities. Specifically, were study grants or other forms of financial support available to help them continue with their studies?

42. **Mr. Basharu** said that he wished to know what status Braille held in the State party. Paragraph 223 of the State party's report (CRPD/C/SVN/1) stated that the electoral commission was only obliged to make one polling station accessible to persons with disabilities and that voters who wished to cast their votes there must provide three days' notice. It would be advisable to make all polling stations accessible to persons with disabilities. Voting and electoral materials should also be available in formats such as Braille, Easy Read and sign language.

43. **Mr. Kabue** said that it would be useful to learn whether the State party provided continuous training for persons with disabilities who needed to use its websites and mobile applications. In its replies to the list of issues (CRPD/C/SVN/Q/1/Add.1), the State party had indicated that "mentally incompetent" persons were not permitted to marry. It had further stated that the registrars who officiated marriages were not fit to assess mental competence. He wondered what measures the State party had taken to ensure that persons with mental or intellectual impairments were not denied the right to marry on the basis of a registrar's judgment and that the assessment of an individual as "mentally incompetent" did not amount to discrimination.

44. He was encouraged to hear that employers in the State party had taken a positive approach to the quota system for the employment of persons with disabilities, but would be grateful for additional information on the functioning and purpose of the fund to which employers who failed to meet the quota were expected to contribute. He would also appreciate further explanation as to how the co-financing of workplace adaptations by the Disability Fund and the Pension and Disability Insurance Institute worked. How did the Government ensure that workplace adaptations were done properly? Lastly, he would welcome further information about the voting aids available to persons with visual impairments.

45. **Mr. Babu** said that he wished to commend the State party's adoption of the new National Assembly Elections Act. He noted, however, that only 56.61 per cent of polling stations in Slovenia had been accessible to persons with disabilities in the 2017 presidential elections. He wished to know what action the State party planned to take to make 100 per cent of polling states fully accessible to persons with disabilities in the future. Furthermore, it would be useful to know what proportion of decision-making positions in the State party, particularly elected positions, were held by persons with disabilities.

46. **Mr. You** Liang said that he would be interested to know how many persons with disabilities had been elected to the Slovene parliament and how many of the proposals put forward by those members had come to fruition. He would also be interested in hearing

whether anything had been done to recognize and foster the artistic potential of persons with disabilities. He would welcome information on how the State party planned to improve its data-collection methods in order to compile precise data and develop databases containing concrete information on the persons with disabilities living in Slovenia, rather than relying on simple surveys. Lastly, he would be grateful for further information on how the State party had included disability-related issues in its efforts to implement the 2030 Agenda for Sustainable Development and attain the Sustainable Development Goals.

47. **Mr. Ruskus** said that he would like to know whether there were sectoral focal points within the Government for matters relating to the implementation of the Convention and whether there was a mechanism in place to facilitate coordination between focal points. If there was such mechanism, what institutional capacity did it have and how was its influence over the policies of other sectors of public administration effectively ensured? He would be grateful if the delegation could clarify whether the Government had fully restored the support available to persons with disabilities, which had been curtailed as a result of austerity measures. He further wished to know whether the State party had taken any measures to address the delays relating to the right to disability pension and insurance for persons with physical disabilities under the Pension and Disability Insurance Act. It would be helpful if the delegation could specify what measures had been taken to enable the national umbrella organization of persons with disabilities to acquire legal personality. Lastly, he would welcome more information about the transfer of institutionalized persons with disabilities from large institutions to smaller housing units, including how many persons were living in such units, where they were located, how the persons living there could gain legal capacity and what kind of support was offered to ensure their full inclusion in the community.

48. **The Chair** said that he was curious to know how the State party took into account the will and preferences of persons living in supported housing units. He wished to remind the delegation of two questions raised by Ms. Degener at the previous meeting. First, the Committee would welcome information on the State party's position regarding the draft Additional Protocol to the Oviedo Convention of the Council of Europe concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. Secondly, the Committee would appreciate information on the ways in which the State party addressed the intersectional discrimination experienced by some persons with disabilities on the basis of their ethnicity and sexuality.

The meeting was suspended at 11.40 a.m. and resumed at noon.

49. **Ms. Vuk** (Slovenia) said that, pursuant to the new National Assembly Elections Act, all polling stations must be accessible to all voters, including persons with disabilities, as of 1 February 2018. Full accessibility would thus be ensured at the two elections scheduled for 2018.

50. **Ms. Močnik** (Slovenia) said that, under the new National Assembly Elections Act, persons with disabilities were able to cast their votes with the assistance of another person or by using assistive devices for persons who were blind or had visual impairments. They were also entitled to vote at home or by mail. The website of the National Electoral Committee had been made available in sign language and augmented text format.

51. **Ms. Vuk** (Slovenia) added that sign language interpretation was provided at all public events that were part of political campaigns.

52. **Ms. Velić** (Slovenia) said that people were not automatically stripped of their right to vote if they were deprived of their legal capacity. Such persons were interviewed to determine whether their right to vote should also be curtailed. In cases where legal capacity was only partially denied, the right to vote was never curtailed. However, those arrangements would change in 2019, when the practice of depriving persons of their legal capacity would be abolished.

53. **Ms. Sarajlić** (Slovenia) said that children with disabilities and non-disabled children had the same rights in Slovenia. Under the Constitution, elementary education was publicly funded and obligatory for all children. The Elementary School Act established that all

children who had completed elementary education could continue to higher levels of schooling. Students could remain in education for a further three years after elementary school; those enrolled in special programmes could continue there until the age of 26.

54. **Ms. Šoln Vrbinc** (Slovenia) said that an orientation committee proposed the most suitable programme for all children that was closest to their home. Most children with disabilities attended mainstream schools, where they were provided with assistance and adaptations to suit their needs. Counselling and educational support services were also available. With regard to statistics, 1.54 per cent of all children were enrolled in special school programmes, and 0.39 per cent attended special training institutions, where they could be provided with more support and have the opportunity to participate in additional activities, such as learning sign language and computer skills. Such special programmes also offered smaller class sizes for children with autism or with hearing or visual impairments, and the teachers had special training. The standard of education in such programmes, however, was the same as in mainstream schools.

55. A special programme was proposed for persons with moderate to severe intellectual impairments up to the age of 26, in which they were prepared for independent life and work. Special programmes were also provided for children with intellectual impairments within mainstream schools so as to promote peer interaction. Children with moderate intellectual impairments could study in schools specializing in vocational training.

56. Under the Elementary Education Act, all children, including children with disabilities, who lived more than four kilometres from their elementary school were provided with free transportation. Those who lived less than four kilometres away but had difficulties travelling to school could be offered free transportation if the orientation committee deemed it necessary, and arrangements could be made for the child to stay at school from Monday to Friday and receive free transport home on the weekends. Some of the funding that Slovenia received from the European Social Fund was earmarked for programmes to promote the inclusion of children with disabilities. A network of support institutions was being established to facilitate the inclusion of children with disabilities. A new Higher Education Act, which had come into force in 2017, allowed students with disabilities to extend their education by one year and receive financial assistance for that purpose.

57. Awareness-raising activities were carried out to sensitize school directors and teaching staff to the challenges faced by pupils with disabilities. All teacher training programmes included modules on inclusive education. Teachers working with children with disabilities took part in special supplementary training. Furthermore, all teachers employed by special schools for persons who were deaf or hard of hearing must be competent in sign language. Sign language interpreters were also deployed to assist pupils who needed their services in mainstream schools.

58. **Ms. Sarajlić** (Slovenia) said that all students with disabilities in mainstream schools were granted longer study periods, had extra time for exams terms and were provided with other forms of support to enable them to succeed.

59. **Ms. Boškič** (Slovenia) said that the Government's policy had always been to discourage the institutionalization of children with disabilities and to keep families together. To that end, special benefits were provided to families of children with disabilities, such as an extra 90 days of maternity leave, financial support to cover the income loss incurred by the inability to work full time due to care commitments and a special childcare allowance. Support was also available for parents with disabilities, including social care services provided in the home. Children were only separated from their families in extreme cases, but even then every attempt was made to return them to their homes as soon as possible.

60. With regard to the right to marry, even persons who had been deprived of their legal capacity were permitted to marry. Local registry officials simply had a duty to ensure that those entering into marriage understood the legal responsibilities it entailed. As to intersectional discrimination, the Protection Against Discrimination Act, passed in 2016, was intended to combat all forms of discrimination. The Office of the Advocate of the Principle of Equality, set up pursuant to the Act, would publish its first report in 2019.

61. **Ms. Čobal** (Slovenia), acknowledging the importance of protecting human rights in the field of biomedicine, said that the Government had not yet taken a position on the draft Additional Protocol to the Oviedo Convention. It would do so only after the matter had been carefully studied by the national committee on medical ethics and the Ministry of Health.

62. **Ms. Lovšin** (Slovenia), noting that deinstitutionalization was a long-term process, said that persons with disabilities were being moved from large institutions to smaller homes of up to 24 persons; some housed no more than 8. Those homes were being built within local communities in order to promote social inclusion. The needs and preferences of individuals and couples were taken into account when they moved into such a home. The final transition to independent living in individual apartments was provided for in legislation that would enter into force the following year.

63. **Ms. Vuk** (Slovenia) emphasized that the homes described by her colleague were a temporary solution. The aim was eventually to move the persons concerned into housing communities and then into individual housing units.

64. **Mr. Uršič** (Slovenia) said that all forms of discrimination in the field of employment were prohibited. Vocational rehabilitation centres provided training for persons with disabilities to increase their employability. There were over 20 training centres, covering all areas of the country. Persons with moderate to severe intellectual disabilities were given the opportunity to perform occupational activities that were suited to their abilities. They were not considered to be employed so did not receive a salary, but they did receive compensation for their work, in addition to the disability benefits to which they were entitled. Legislation currently under consideration would enable persons with disabilities who were currently working in sheltered workshops — which the Government referred to as occupational day-care centres — to seek regular employment. If they were unable to meet the requirements of their new job, they would be able to return to the centres.

65. There were social enterprises in which 30 per cent of posts were reserved for persons with disabilities. In addition, some companies were subject to a quota system for employment of persons with disabilities. Those that failed to meet the quota were required to outsource a proportion of their work to a company that employed persons with disabilities or to contribute to a special fund that was used to promote the employment of such persons.

66. **Ms. Vuk** (Slovenia) said that there was no central database of information on persons with disabilities. A task force had recently been established to discuss ways in which data collection could be improved, taking into account the Government's reporting obligations.

67. **Ms. Možek** (Slovenia) said that the accessibility requirements set forth in the Construction Act were applicable to tourist attractions. Persons with disabilities and their companions were exempt from tourist tax. The Government had recently adopted a sustainable tourism strategy which placed particular emphasis on the accessibility of tourist attractions to persons with disabilities. Museums had been equipped with touch technology to ensure that exhibitions were accessible to persons with visual impairments. Cinemas organized film showings for such persons, in cooperation with the Association of the Blind and Partially Sighted.

68. **Mr. Uršič** (Slovenia) said that the national theatre held special performances that were adapted to the needs of persons with visual impairments. Various associations, such as the Slovenian Paraplegic Association, organized activities to develop the artistic potential of persons with disabilities; mouth and foot painting exhibitions were held regularly, for example. The Government subsidized the purchase of technical aids that enabled blind persons to use information and communications technologies and access the Internet. The National Council of Disabled People's Organizations of Slovenia was an independent body that was recognized by the Government and was invited to participate in various councils and committees. If it wished to acquire legal personality, it would need to establish itself as another type of body, such as a federation.

69. **Mr. Ponikvar** (Slovenia) said that the 2030 Agenda for Sustainable Development was being implemented through a national development strategy, which contained several objectives that were directly related to disability issues, such as access to social protection. Sectoral plans would be drawn up to ensure the effective implementation of that strategy.

70. **Ms. Koc** (Slovenia) said that the Ministry of the Environment and Spatial Planning — which was responsible for work on Sustainable Development Goal 11, on making cities inclusive, safe, resilient and sustainable — had set up a council that was responsible for ensuring that disability issues were taken into account in urban planning and construction. The Ministry issued a call for tenders each year for awareness-raising projects in the field of urban planning. Over the period 2016–2017, two projects dealing with disability issues had been financed.

71. **Ms. Vuk** (Slovenia), thanking the Committee members for their pertinent questions, said that her Government was truly committed to implementing the Convention and had taken many measures to accommodate the needs of all persons with disabilities. Nevertheless, it was aware that there was still work to be done and it looked forward to making further improvements. She also wished to thank the NGO representatives who had attended the dialogue. The Government had developed a strong relationship with organizations of persons with disabilities and was continually encouraged by them to find new ways of protecting and promoting the rights of persons with disabilities.

72. **Mr. Ruskus**, thanking the delegation for engaging in an open and interactive dialogue, said that he would like to commend the State party on its adoption of the Personal Assistance Act, which he hoped would drive the transition towards independent and inclusive living arrangements for persons with disabilities. By way of conclusion, he wished to make a few recommendations. In particular, the State party should step up its efforts to shift from a social protection approach to a human rights approach to disability and to combat discrimination and promote full social inclusion. More generally, it should take further steps to enable persons with disabilities to exercise their rights fully and effectively. It should take into account the Convention and the Committee's general comments when developing new legislation and policies on disability issues and ensure that organizations of persons with disabilities were fully involved in decision-making relating to the realization of the Sustainable Development Goals.

73. The Committee welcomed the State party's commitment to implementing the Convention and enabling persons with disabilities to make decisions about their own lives with appropriate support, to participate actively in decision-making processes and to live independently in an inclusive society on an equal basis with others.

The meeting rose at 1 p.m.